

Mount Vernon Public Library  
New Policy Compilation DRAFT

for Review and Discussion  
Version: January 31, 2023

DRAFT 1/31/23

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# **CONFIDENTIALITY OF LIBRARY RECORDS POLICY**

## **Introduction**

The Mount Vernon Public Library (MVPL) is an independent nonprofit corporation. To carry out its mission, MVPL maintains important relationships with various organizations and individuals including government agencies, corporate and community leaders, individual donors, and volunteers. It is incumbent upon the Mount Vernon Public Library to foster strong relationships with these organizations and individuals while maintaining the highest standards of ethical and professional practice.

It is expected that all Board members, employees, interns and volunteers of MVPL will operate in a manner that is in the best interests of the Mount Vernon Public Library, its services, and patrons. To this end, MVPL has articulated a Confidentiality of Library Records Policy for all Board members, employees, interns and volunteers.

## **Confidentiality**

It is the policy of the Mount Vernon Public Library that Board members, employees, interns and volunteers may not disclose, divulge, or make accessible, confidential information belonging to, or obtained through, an affiliation with MVPL to any person other than those who have a legitimate need for such information and to whom the Mount Vernon Public Library, through its Library Director or Assistant Director, has authorized disclosure. This prohibition includes disclosure to relatives, friends, business

and professional associates, in addition to donors, volunteers, vendors, and contract holders of MVPL, and to appointing bodies.

Board members, employees, interns and volunteers shall use confidential information solely for the purpose of performing services related to the Mount Vernon Public Library. This policy is not intended to prevent disclosure where disclosure is required by law.

Board members, employees, interns and volunteers must exercise good judgment and care at all times to avoid unauthorized or improper disclosures of confidential information:

- Conversations in public places should be limited to matters that do not pertain to information of a sensitive or confidential nature.
- Those involved with MVPL should be sensitive to the risk of inadvertent disclosure and should, for example, refrain from leaving confidential information on desks or otherwise in plain view, refrain from the use of speakerphones to discuss confidential information if the conversation could be heard by unauthorized persons, and be wary of the use of e-mail in the transmittal of confidential information.

All patron information, Board and management work – including but not limited to strategic and operating reports and plans, finances, correspondence, work of committees and task forces – shall be considered confidential and shall not be discussed with any individual or organization until the Board – or its designated representative, the Library Director – determines that such information is public.

No individual associated with the Mount Vernon Public Library shall divulge the contents of or make copies and/or distribute any information related to MVPL, its management, governance, patrons, or services unless such information is clearly designated as public.

Special rules concerning library confidentiality are summarized below and must be followed by all Board members, staff, interns and volunteers:

CONFIDENTIALITY OF LIBRARY RECORDS - New York State Civil Practice Law & Rules 4509, Chapter 112, Laws of 1988:

Library records: Library records which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to the subpoena, court order, or where otherwise required by statute.

#### Explanation

The New York State Confidentiality Law protects the privacy rights of library users. This law prohibits the release of any information relating to the name of a person and

his/her library use without a properly executed subpoena from a court of law. Under this law, librarians, staff, volunteers, interns and board members cannot:

- Tell a third party whether a person has a library card
- Write the name of a borrower on a book card that is placed in the book
- Tell a parent what his/her child has borrowed, even if it is overdue
- Send a reserve notice or overdue reminder on a postcard
- Reveal the nature of someone's reference question to another person

This law makes it quite clear that a person's library use habits are strictly private; there are no exceptions for children or anyone else. It applies to every library in the state, without exception. All library personnel should be aware of this.

At the end of an individual's relationship with the Mount Vernon Public Library, s/he shall return all documents, papers, and other materials – regardless of the medium –, which may contain or be derived from confidential information.

**Accepted 10/19/21  
Revised and accepted ??/??/23**

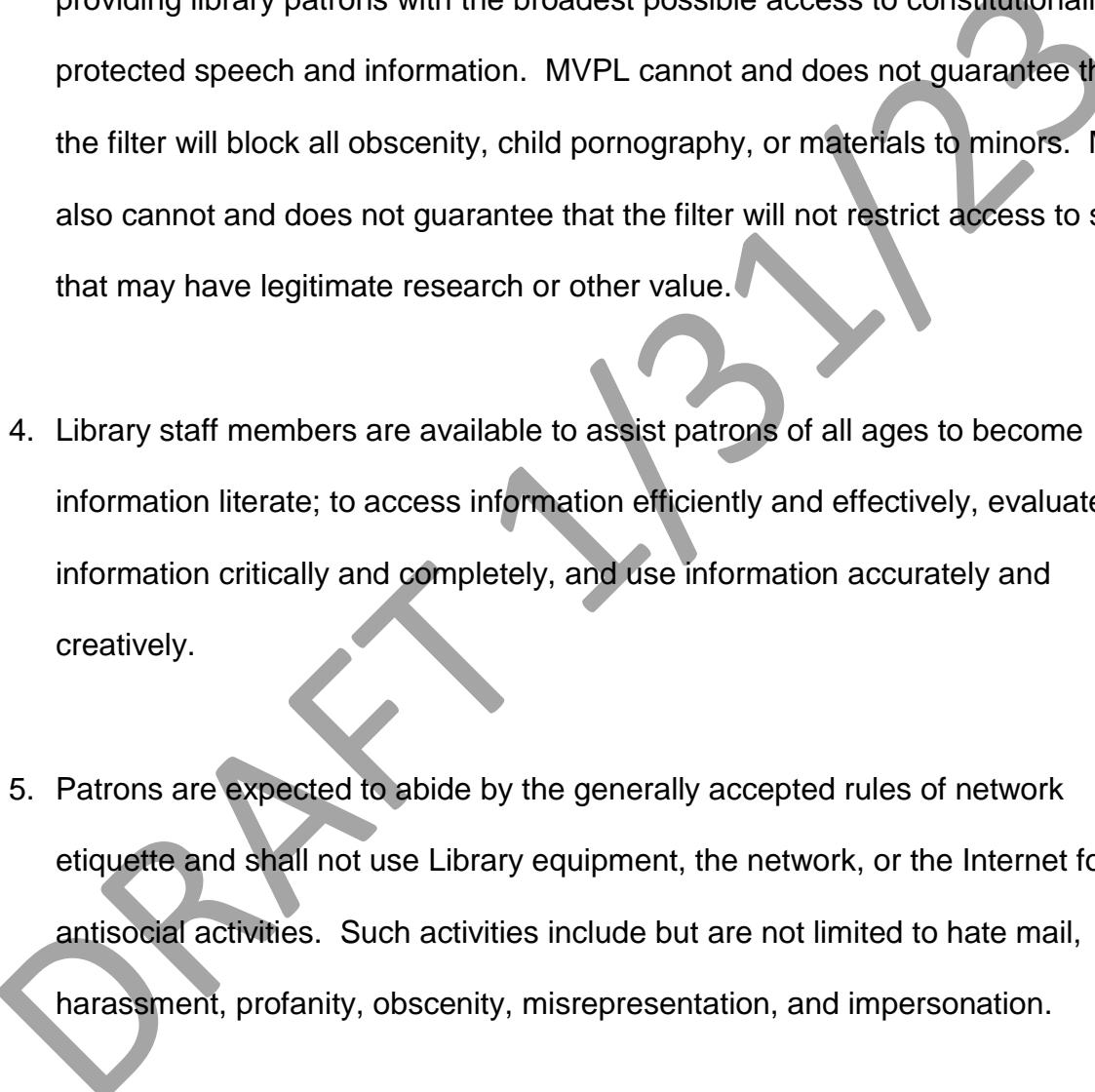
# **INTERNET ACCESS POLICY**

To fulfill its mission of providing public access to information of all types in a variety of formats, the Mount Vernon Public Library (MVPL) provides public access to the Internet. The Internet is a global network comprised of information, multimedia resources and social networks representing a wide range of viewpoints and perspectives.

## **Open Access**

1. The Library provides access to Internet resources equally to all Library patrons and upholds and affirms the right of each individual to have access to constitutionally protected material in accordance with the American Library Association's Library Bill of Rights and its interpretations.
2. Patrons must comply with all applicable federal, state, and local laws, including laws governing the transmission and dissemination of information while accessing the Internet, copyright law and with all Library policies and procedures.
3. As required by the Children's Internet Protection Act (CIPA), in order to be eligible for certain federal funding, the Mount Vernon Public Library has implemented filtering on all Internet-accessible devices connected to its computer network. The filter protects against access to obscene materials including child pornography, which in the case of persons (minors) under the age of 17 has been deemed by MVPL to be harmful. Users should be aware that all filters, including the filter used by MVPL, operate with a certain degree of "under-

blocking" (i.e., permitting access to certain material that is intended to be blocked) and "over-blocking" (i.e., denying access to certain constitutionally protected material that is not intended to be blocked). The Mount Vernon Public Library has attempted to implement a filter that complies with CIPA while providing library patrons with the broadest possible access to constitutionally protected speech and information. MVPL cannot and does not guarantee that the filter will block all obscenity, child pornography, or materials to minors. MVPL also cannot and does not guarantee that the filter will not restrict access to sites that may have legitimate research or other value.

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4. Library staff members are available to assist patrons of all ages to become information literate; to access information efficiently and effectively, evaluate information critically and completely, and use information accurately and creatively.
  5. Patrons are expected to abide by the generally accepted rules of network etiquette and shall not use Library equipment, the network, or the Internet for antisocial activities. Such activities include but are not limited to hate mail, harassment, profanity, obscenity, misrepresentation, and impersonation.
  6. It is both the right and responsibility of parents and/or legal guardians to guide their own children's use of Library resources in accordance with individual family beliefs. In that regard, parents and legal guardians are solely responsible for supervising their child's use of the Library's computers. Parents and guardians

are reminded that the Library is not responsible for the supervision of minor patrons and that such minor patrons may be able to access age-inappropriate or unlawful materials via the Library's computers.

7. Library administration reserves the right to establish rules governing Internet use and consequences for misuse that are consistent with this policy.

8. The Library maintains websites for use by all patrons to help guide them to sources that are accurate, complete and current. However, not all information found on the Internet is accurate, complete, up-to-date, or otherwise acceptable to all individuals. The Library is not responsible for the content of the Internet, changes in content of the sources to which the Library home pages link, or for the content of sources accessed through secondary links.

#### Security and Privacy

1. The Mount Vernon Public Library will not release information on the use of specific Internet resources by members of the public except as required by law or as necessary for the proper operation of the Library.
2. The Library disclaims any liability or responsibility arising from access to, or use of, information obtained through electronic information systems.
3. The Library is not responsible for the privacy practices or security of any websites accessed by patrons.

4. MVPL accepts no liability for any loss of privacy or data patrons may experience or any damage or harm arising from such loss.
5. Patrons are prohibited from making any attempt to gain unauthorized access to restricted files or networks, or to damage or modify Library-owned devices or software, and will refrain from installing software on Library-owned computers.
6. Patrons may download or save items on their own computer or peripheral storage devices.

#### Public Internet Access with Library-Owned Equipment

1. Library administration reserves the right to set the number of Internet session(s) a patron may have per day with Library-owned equipment.
2. Library administration reserves the right to set a time limit for patrons' Library Internet session(s) with Library-owned equipment.

#### Public Wireless Internet Access

1. The Mount Vernon Public Library provides access to the Internet via a wireless network (WiFi) for patrons to use with their own personal notebooks, laptops, and other mobile devices.
  - a. WiFi access provided by the Library is unsecured. Anti-virus, security, and privacy protection are the responsibility of the patron.
  - b. Patrons using Library-provided WiFi must comply with this policy and any additional rules published in conjunction with this policy.

- c. Patrons are responsible for having the proper hardware, software and network settings on their wireless device to connect to the Library-provided WiFi. Library staff are not to make changes to personal devices' network settings, software and/or hardware configuration, or to install any equipment, accessories, or software onto patrons' devices.
- d. The Library is not responsible for any theft, damage or misuse of patrons' personal notebooks, laptops and other mobile devices while in use in the Library.

## Compliance

- 1. Failure to comply with this policy, or misuse of the Library's networks or computers, including patrons' personal laptops and other mobile devices connected to MVPL's WiFi, may result in the loss of computer access privileges and potential loss of Library privileges. Any person observed using a computer for illegal activities may be subject to legal recourse and permanent expulsion from the Library premises.
- 2. Any attempts to make unauthorized access to restricted files or networks, to damage or modify Library-owned devices or software, or to intentionally download or save items to Library-owned devices, may result in the loss of computer access privileges, potential loss of Library privileges, and if such activities are illegal, possible prosecution.

## Addendum

"The library has received funding the federal Emergency Connectivity Fund (ECF) to purchase hotspots and Chromebooks. Any ECF-supported equipment and services can only be provided to patrons who declare they do not have access to the equipment or services sufficient to access the Internet."

**Adopted 12/15/99  
Reviewed & adopted 10/21/21 – Resolution #0095-21  
Reviewed and updated 5/20/22  
Revised and accepted ??/??/23**

DRAFT 1/21/23

## OPEN MEETINGS POLICY

The Mount Vernon Public Library (MVPL) is committed to adhering to New York State Open Meetings Law, the text of which can be accessed through the following link: [Open Meetings Law.](#)<sup>1</sup>

The law requires that meetings of the Board of Trustees (Board Meetings) be properly posted and advertised, and must be open to the public. **As general rules,** MVPL posts a meeting notice at least 72 hours prior to a Board Meeting, and posts the agenda of a Board Meeting at least 24 hours prior to the meeting. Meeting minutes are compiled and distributed to the Board of Trustees (Board), and are also posted on the library's website ([Board Minutes](#))<sup>2</sup> for access by the public. The minutes of an open meeting consist of a record or summary of all motions, proposals, resolutions, and any matter formally voted upon and the vote thereon. In addition, working sessions of the Board (even if they are not formal meetings) must be advertised and open if a quorum of the Board is expected to attend. Notice of all Board Meetings must be sent to the news media, posted publicly at MVPL, and posted on the library's website ([Mount Vernon Public Library](#)).<sup>3</sup>

An executive session can only be convened as part of a public Board Meeting. Executive sessions – i.e., meetings from which the public and news media may be

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<sup>1</sup> <https://dos.ny.gov/system/files/documents/2018/05/open-meeting-law.pdf>

<sup>2</sup> <https://go.boarddocs.com/ny/mvpl/Board.nsf/Public>

<sup>3</sup><https://mountvernonpubliclibrary.org>

excluded – may only be convened for a limited number of specific purposes, such as discussing collective bargaining negotiations, current or pending litigation, or a personnel matter related to a specific individual. The Board must vote to enter executive session and state the general nature of the session for its minutes. The Board may take formal action and vote on any matter in executive session except the appropriation of public monies. Minutes of an executive session are only required if the Board took formal action in the executive session. In the limited instance where minutes shall be taken at an executive session, those minutes shall consist of a record or summary of the final determination of such action, the date and vote thereon, provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of Open Meetings Law.

**Adopted 11/29/21 - Resolution #0112-21  
Amended 4/11/22  
Revised and accepted ???/???/23**

## **WHISTLEBLOWER POLICY**

The Mount Vernon Public Library (MVPL) is committed to upholding the highest standards of ethical, moral and legal business conduct, and transparency through open communication. Accordingly, all Board of Trustees (Board) members, employees, interns, volunteers, and contractors and persons conducting business with MVPL, are required to comply with applicable federal, state and local laws, and must faithfully implement and adhere to the Mount Vernon Public Library's own policies in conducting their duties and responsibilities.

This policy provides an avenue for all Board members, employees, interns, volunteers and contractors and persons conducting business with MVPL to report any known or suspected conduct contrary to these standards without fear of intimidation, harassment, discrimination or retaliation.

All Board members, employees, interns, volunteers and contractors and persons conducting business with MVPL have a responsibility to report known or suspected violations of library policies, finances, or governance. "Known or suspected violations" include but are not limited to the following:

- Incorrect financial reporting
- Unlawful activity
- Activities that are inconsistent with Mount Vernon Public Library policies
- Activities which otherwise amount to serious improper conduct

Matters which should be reported under this policy include suspected fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, misuse of MVPL's assets, harassment or suspected regulatory compliance violations.

## Oversight

The Mount Vernon Public Library Board of Trustees shall oversee adoption and implementation of this policy, and monitor compliance.

The Library Director shall provide a copy of this policy to all Board members and employees, and all volunteers who provide substantial services to MVPL. A notice describing the protections, rights and obligations under this policy shall be posted conspicuously in easily accessible areas frequented by employees and applicants for employment.

## **Compliance Officer**

The Compliance Officer shall be the President of the Board of Trustees, or a designee of the President. Should the Compliance Officer be the subject of the report, then the remaining members of the Board shall appoint another member of the Board to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering this policy, overseeing an investigation, and reporting to the Board. The Compliance Officer shall report to the Board at least annually on compliance activity.

## Reporting Infractions

An employee who suspects wrongdoing by a colleague should first reach out to his/her supervisor to address the matter directly. If the matter cannot be resolved at this level, or if for some reason the employee is uncomfortable with bringing the matter to his/her supervisor's attention, the employee should contact the Library Director or Assistant Director. All reports should be made using the Whistleblower Reporting Form, which will be available on the library's website. Board members, employees, interns, volunteers and contractors and persons conducting business with MVPL should promptly report alleged violations to the Compliance Officer. If the reporter deems it inappropriate to file the report with the Compliance Officer, the report may be submitted to the Vice-President or Secretary of the Board. Any such reports received by the President, Vice-President, or designee shall be forwarded to the Board.

## Anonymous Reporting

With the exception of a person's report of his or her own violation, the reporter shall not be required to provide his or her name on the form. However, anonymous reports must include sufficient information, including but not limited to: name of the person against whom the report is being made, date of the incident, and a description of the incident, so that an investigation can be conducted.

## Handling Reports

The Board shall provide the reporter a timely acknowledgement of receipt of the report. All reports submitted will be placed on the agenda for the next scheduled meeting of the Board. An appropriate investigation will be undertaken by the Board or other designee if deemed appropriate by the Board.

Ordinarily, the Library Director or the Assistant Director will conduct, or will appoint an individual to conduct, a preliminary investigation. During the preliminary investigation, such investigator will discuss the complaint with the manager responsible for the department named in the complaint. If the preliminary investigation shows no justification for a complaint, the complaint will be closed and the complainant will be notified of this decision.

If the preliminary investigation reveals potential wrongdoing, the investigator will pass on the complaint to the Compliance Officer. They, in turn, will decide how the investigation is to be carried out, in consultation with the Library Director. The complainant will receive general information on the progress of the investigation and its outcome, unless doing so would jeopardize the investigation. The Library Director and/or Compliance Officer will present the results of all investigations and settlement of all complaints to the Board of Trustees in a timely fashion.

A report summarizing the investigation's findings will be given to the reporter within 10 business days of the board meeting, if the reporter's name is provided on the Whistleblower Reporting Form. If more than 10 business days from the date of the board meeting are needed to complete a thorough investigation, the reporter will be notified in writing of an estimated date when the investigation will be completed.

## Results of Investigation

If the investigation establishes that no violation of law, external regulation, or MVPL policy has occurred, then the Board shall report its findings and determination. If the investigation establishes that a violation of law, external regulation, or Mount Vernon Public Library policy has occurred, then the Board shall determine the appropriate action based upon law and Mount Vernon Public Library policy. Civil or criminal prosecution will be pursued when warranted. The investigation will be closed when the Compliance Officer has deemed that the investigation is complete and the Board has approved a recommendation for a resolution and/or corrective action.

## Documentation

The Compliance Officer shall document the investigation and explain the rationale for any recommended resolution and/or corrective action. All documentation relating to the investigation shall remain in the Mount Vernon Public Library's records for at least five years.

## Confidentiality

All violations or suspected violations may be submitted on a confidential or anonymous basis. Reports will be kept confidential, to the extent possible, consistent with federal and state law and the need to conduct an adequate investigation and prevent or correct suspected action(s). The Compliance Officer shall disclose information relating to a report to those who have a need to know so that the investigator can conduct an effective investigation and determine what action to take. In appropriate cases, the investigation documents will be shared with law enforcement

personnel. Disclosure of reports to individuals not involved in the investigation shall be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal, termination or civil lawsuits.

### Protection Against Retaliation

MVPL shall not take any retaliatory action against an employee because such individual (i) discusses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of MVPL that such individual reasonably believes is in violation of any law, rule or regulation, or that such individual reasonably believes poses a substantial and specific danger to the public health or safety; (ii) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by MVPL; or (iii) objects to, or refuses to participate in any such activity, policy or practice.

Prohibited retaliatory actions include any intimidation, discrimination, harassment, victimization or other retaliation, including (A) adverse employment actions or threats to take actions against an employee in the terms or conditions of employment, including but not limited to discharge, suspension, and demotion; (B) actions or threats to take actions that would adversely affect a former employee's current or future employment; or (C) contacting or threatening to contact immigration authorities or otherwise reporting or threatening to report the suspected citizenship or immigration status of an employee or member of an employee's family or household.

The protection against retaliatory action provided above, to the extent it pertains to disclosure to a public body, shall not apply to an employee unless such employee has

made a good faith effort to bring the activity, policy or practice to the attention of a supervisor and has afforded MVPL a reasonable opportunity to correct such activity, policy or practice. Such notification is not required where (a) there is an imminent and serious danger to the public health or safety; (b) the employee reasonably believes that reporting to the supervisor would result in the destruction of evidence or other concealment of the activity, policy or practice; (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor; (d) the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or (e) the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct it.

#### Discipline for Retaliatory Conduct

Retaliation is a serious violation of this policy and should be reported immediately to the President of the Board of Trustees. Depending on the nature and seriousness of the offense, the Mount Vernon Public Library will impose appropriate discipline against any trustee, officer or employee found to have engaged in any form of retaliatory conduct against an individual reporting suspected or actual wrongful action(s) in accordance with this policy, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law Section 226. Volunteers that engage in any such conduct will not be permitted to volunteer in Mount Vernon Public Library activities.

Any board member, employee, intern, volunteer, contractor or person conducting business with MVPL who files a report concerning a violation or suspected violation must do so in good faith and have reasonable grounds for believing the information in the report indicates a violation under this policy. The Mount Vernon Public Library will impose appropriate discipline against any trustee, officer or employee found to have knowingly made a report/complaint in bad faith, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law section 226. This includes, but is not limited to, giving false information or making a report in retaliation. Volunteers that engage in any such conduct will not be permitted to volunteer in Mount Vernon Public Library activities.

#### **Applicability and Distribution of Policy**

This policy shall apply to and be distributed to all Mount Vernon Public Library Board members, employees, interns, volunteers, and contractors and persons conducting business with MVPL at the time of appointment or hiring and annually thereafter.

**Reviewed and accepted 10/19/21  
Revised and accepted ??/??/23**

## WHISTLEBLOWER REPORTING FORM

New York Labor Law requires all employers to adopt a Whistleblower Protection Policy that includes a complaint form to report alleged incidents of financial impropriety, unlawful activity, activities that are inconsistent with the Mount Vernon Public Library's policies, or other serious improper conduct.

If you have witnessed or suspect improper conduct, you are encouraged to complete this form to the best of your ability and submit it in an email or sealed envelope to the Whistleblower Compliance Officer. **You will not be retaliated against for filing a complaint.**

If you are more comfortable reporting verbally or in another manner, the Library should complete this form, provide you with a copy, and follow its Whistleblower Protection Policy by investigating the claim as outlined at the end of this form.

### Type of incident:

- Incorrect financial reporting
- Unlawful activity
- Activities that are inconsistent with Mount Vernon Public Library policies
- Other serious improper conduct

Matters which should be reported under this policy include suspected fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, misuse of MVPL's assets, harassment or suspected regulatory compliance violations.

## YOUR INFORMATION

Your Name:

Home Address:

Home or Cell Phone:

Email:

Work Location:

Work Phone:

Job Title:

Preferred Communication Method (please circle one):

Phone

Email

Mail

In Person

## SUPERVISOR INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Location:

## COMPLAINT INFORMATION

1. Your complaint of improper conduct or activity is made against:

Name: \_\_\_\_\_

Job Title (if an employee): \_\_\_\_\_

Work Location (if known): \_\_\_\_\_

Phone (if known): \_\_\_\_\_

Relationship to you (please circle one below):

Supervisor

Subordinate

Co-Worker

Patron

Other

*(Please use additional sheets of paper if complaint is against multiple people.)*

2. Please describe what happened and/or the basis for your suspicion of improper conduct or activity. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) and location(s) where the incident occurred: \_\_\_\_\_

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Is the inappropriate action continuing? \_\_\_\_\_ Yes \_\_\_\_\_ No

4. Please list the name(s) and contact information (if known) of any witness(es) or individuals who may have information related to your complaint:
- 
- 
- 
- 

*The following question is optional, but may help the Library's investigation*

5. Have you previously complained about or provided information (verbal or written) about this problem to someone in authority at the Library? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, when and to whom did you complain or provide information?

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If you have retained legal counsel and would like us to work with them, please provide their contact information.

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Print Name:

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Signature:

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Date:

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Accepted ??/??/23

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# **SEXUAL HARASSMENT PREVENTION POLICY**

## **Introduction**

The Mount Vernon Public Library is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of The Mount Vernon Public Library's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>4</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with The Mount Vernon Public Library. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

## **Policy**

1. *The Mount Vernon Public Library's policy applies to all Board members, employees, applicants for employment, interns, volunteers, contractors and persons conducting business, regardless of immigration status, and regardless of whether paid or unpaid, with The Mount Vernon Public Library. In the remainder of this document, the term "employees" refers to this collective group.*

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<sup>4</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint.

*The Mount Vernon Public Library* will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of *The Mount Vernon Public Library* who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, interns, volunteers, or non-employees<sup>5</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, the Library Director or the Assistant Director. All employees, interns, volunteers or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject *The Mount Vernon Public Library* to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who

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<sup>5</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. *The Mount Vernon Public Library* will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. *The Mount Vernon Public Library* will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. **All** employees, including managers and supervisors, are **required** to cooperate with any internal investigation of sexual harassment.
6. **All** employees are encouraged to report any harassment or behaviors that violate this policy. *The Mount Vernon Public Library* will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Library Director or Assistant Director.
8. This policy applies to all Board members, employees, interns, volunteers, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

## What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

## Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, interns, volunteers and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

## Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## Reporting Sexual Harassment

**Preventing sexual harassment is everyone's responsibility.** *The Mount Vernon Public Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, the Library Director or the Assistant Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, the Library Director or Assistant Director.*

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Library Director or Assistant Director.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## Complaint and Investigation of Sexual Harassment

**All** complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

**Any** employee may be **required** to cooperate as needed in an investigation of suspected sexual harassment. *The Mount Vernon Public Library* will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Library Director or Assistant Director will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## Legal Protections and External Remedies

Sexual harassment is not only prohibited by *The Mount Vernon Public Library* but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at *The Mount Vernon Public Library*, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year (three years beginning August 12, 2020)** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to *The Mount Vernon Public Library* does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**Accepted 7/17/19  
Revised and accepted ??/??/23**

# SEXUAL HARASSMENT COMPLAINT FORM

New York Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to the Library Director or Assistant Director. If the complaint is against the Library Director or Assistant Director, submit it in a sealed envelope to the President of the Board of Trustees. **You will not be retaliated against for filing a complaint.**

If you are more comfortable reporting verbally or in another manner, the Library should complete this form, provide you with a copy, and follow its sexual harassment policy by investigating the claim as outlined at the end of this form. For additional resources, visit: <https://www.ny.gov/programs/combatting-sexual-harassment-workplace>

## YOUR INFORMATION

Your Name: \_\_\_\_\_

Name of Minor  
(for parents/guardians): \_\_\_\_\_

Home Address: \_\_\_\_\_

Home or Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Work Location  
(for employees): \_\_\_\_\_

Work Phone  
(for parents/guardians/employees): \_\_\_\_\_

Job Title (for employees): \_\_\_\_\_

Preferred Communication Method (please circle one):

Phone

Email

Mail

In Person

## **SUPERVISOR INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_

Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Work Location: \_\_\_\_\_

## **COMPLAINT INFORMATION**

6. Your complaint of sexual harassment is made against:

Name: \_\_\_\_\_

Job Title (if an employee): \_\_\_\_\_

Work Location (if known): \_\_\_\_\_

Phone (if known): \_\_\_\_\_

Relationship to you (please circle one below):

Supervisor

Subordinate

Co-Worker

Patron

Other

*(Please use additional sheets of paper if complaint is against multiple people.)*

7. Please describe what happened and how it is affecting you and your work or Library experience. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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8. Date(s) and location(s) where sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing? \_\_\_\_\_ Yes \_\_\_\_\_ No

9. Please list the name(s) and contact information (if known) of any witness(es) or individuals who may have information related to your complaint:

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*The following question is optional, but may help the Library's investigation*

10. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the Library? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, when and to whom did you complain or provide information?

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If you have retained legal counsel and would like us to work with them, please provide their contact information.

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Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Instructions for the Library**

If you receive a complaint about alleged sexual harassment, you must follow the Library's sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant (if the complainant is a minor, also notify the parent/guardian) and the individual(s) against whom the complaint was made. This may be done via email.

**Accepted ??/??/23**

DRAFT 1/31/23

## **Note from Janelle Allbritton, MPH, Trustee**

I have taken the policies most recently submitted to the board and put them together into a master draft for review titled “2023-01 DRAFT Policies.” I have not made any content changes except to a) add footnotes to provide original URLs for hyperlinks, and b) change some text from black to red for review (grammar). I have not reviewed the entire document for typos or grammatical errors. I have changed the formatting.

To jump to the desired section, scroll to the table of contents and click on the desired page number.

If there are any questions or comments, you may reach me by email at [TrusteeJanelle@gmail.com](mailto:TrusteeJanelle@gmail.com)

DRAFT 1/31/23