

# HARASSMENT PREVENTION IN THE LIBRARY



Presented for LibraryWorks by  
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# FROM THE EEOC

Leadership and accountability.

Anti-harassment policies.

Harassment reporting systems and investigations.

Compliance training.

Respond, provide support, enforce policies, create consequences. Discuss our policies and responses at staff meetings. Provide careful confidentiality.



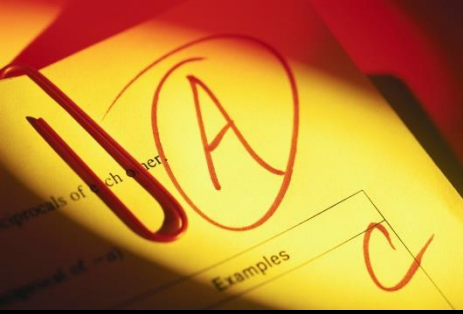
Victoria A. Lipnic  
Acting Chair



# THE NEW WORKPLACE

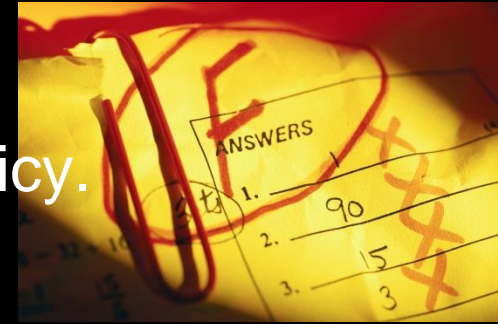
A changing diversity of people, personalities, cultures, religions, sexual orientations, opinions, beliefs, tolerances, and generations.





# TRUE / FALSE QUIZ

1. Harassment can take place at any type of business.
2. Unwanted flirting needs to be addressed.
3. Joke-telling by employees is against our policy.
4. Co-workers dating is against policy.
5. Some companies use “love contracts” to control dating.
6. Nationally, bullying is illegal behavior in the workplace.
7. Our harassment policy covers patrons or vendors as well.
8. The first time it happens, we can fire/remove the person.
9. All investigations are kept 100% confidential.
10. Retaliation is one of the leading claims made to the EEOC.



# DEFINING POSSIBLE SCENARIOS

Sexual or racial harassment from a patron.

Stalking behaviors from a patron.

Bullying behaviors from a patron.

Sexual or racial harassment from a supervisor.

Sexual or racial harassment between employees.

Bullying behaviors involving bosses or employees.

Any "protected class" discrimination, harassment, or retaliation.

# TAKEAWAYS / POST- TRAINING RESPONSES

Remind all employees of the value of (early) reporting.

Create **multiple channels of reporting**.

Provide a space for confidential conversations.

Verify that your policy is up to date. Get advice from other sources on new language.

Model ethical, appropriate, legal behavior as a supervisor.

Enforce consequences for patrons or employees.

# MULTIPLE CHANNELS OF REPORTING

Direct supervisor.

Next-level supervisor, manager.

Department Director/Director.

City/County HR Director.

City/County Attorney.

Library Board.

City/County Elected Officials.

State EEOC/Federal EEOC.

# ENFORCING BEHAVIORAL BOUNDARIES WITH PATRONS

Intervene early.

Create alternative service methods for harassing patrons: meet only with a supervisor or other employee; only if the supervisor observes the interaction; over the phone, by email, by mail.

Move targeted employees to another part of the facility or branch if they request it.

Call the police for stalking, threats, or assaults.

Watch for escalating behavior.

Use verbal or written stay-away orders or TROs.



# PROTECTED CLASSES

- race
- color
- national origin / ancestry
- religion
- physical or mental disability
- medical condition
- accommodation requests
- pregnancy, breastfeeding, family care
- veteran status
- gender, gender, transgender identity
- political affiliations
- domestic violence victims
- genetic information
- marital status
- sexual orientation
- age



**Primary traits?**

**Secondary traits?**

# DEFINING THE “HOSTILE WORK ENVIRONMENT”

Treatment based on being in a protected class.

Treatment that interferes with an employee’s ability to do his or her job successfully.

Could be created by bosses or co-workers.

Must be discriminatory in nature. Severe, pervasive, retaliatory, not stopped by management.

Context is critical; hurt feelings, rude people, bad or assertive bosses do not meet the legal definition.

# THE HARASSER

Behaviors: Physical, verbal, sexual, or racially harassing actions; creates a hostile work environment using intimidation, power, fear, humiliation, embarrassment.

Reasons: Learned behavior; past behaviors that have worked; the need to keep people one-down to them; either unaware or don't care about gender, cultural, or diversity differences.

Tools: Enforce policies, call out the behaviors, use on-on-one coaching, discipline and termination.

# THE BULLY

Behaviors: Verbal or physical intimidation; overly-aggressive in meetings and conversation; uses rank, status, size, tone to demean others.

Reasons: Lots of behind-the-scenes reasons, often from childhood. Poor self-esteem masks their fears. Plus, it's worked for them before.

Tools: Collect a list of examples; focus on behaviors and the impact; confront calmly; create consequences; reward compliance with praise.

# THE CHAMPION

**Behaviors:** Loves to point out all the injustices, problems, and conflicts in the workplace. Runs to the boss or HR, often with petty complaints about others, that really have no merit.

**Reasons:** They define themselves as entitled whistleblowers and defenders of what's right.

**Tools:** Complain about them to your boss and HR before they can complain about you. Use PIPs to confront their typical poor performance.

# THE GOSSIP

Behaviors: Talks about everyone else to everyone else, whether they want to hear it or not. Can create cliques, team conflicts, and the silent treatment among co-workers.

Reasons: Bored, not enough to work to do, angry at certain people and uses gossip to sabotage personal or marital relationships, and co-workers.

Tools: Tell them to stop and get back to work. Use sending computer viruses as an example. Enforce consequences related to creating conflicts.

# YOUR PERSONAL MOTTO . . .

“Is what I am about to do or say going to be okay with the other person (and the library)?”

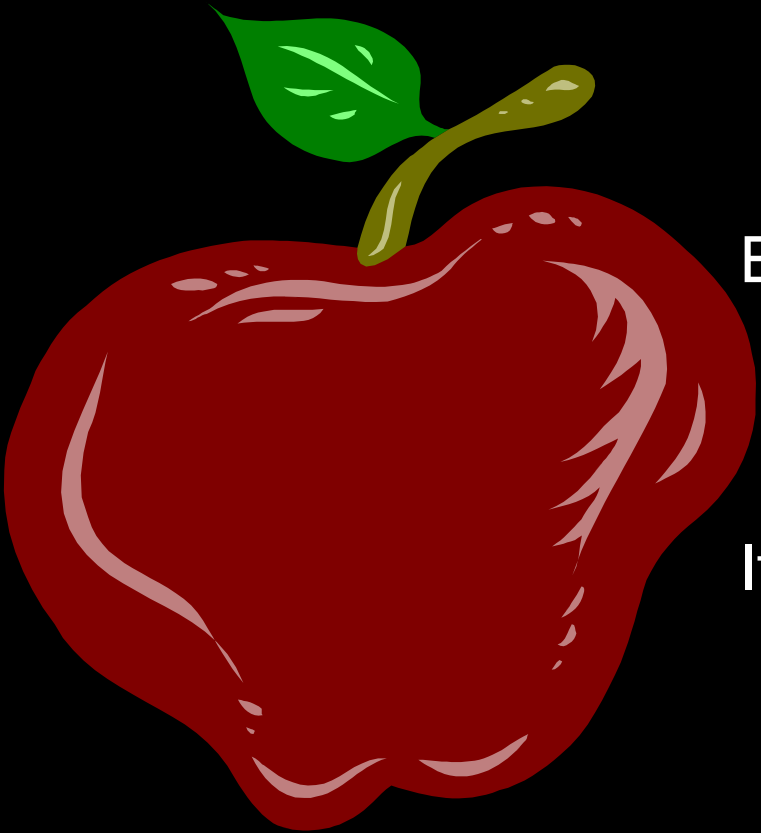
***COEXIST !***



“To exist together, at the same time or in the same place.”

“To live in peace with another or others despite differences, especially as a matter of policy.”

# THE FIRST BITE OF THE APPLE \*



We can all teach this to each other:

End the problem when it is small, by giving the person the chance to stop or correct his or her behavior.

If that doesn't stop the problem, go to your supervisor, the next supervisor in or out of your chain, and / or HR for more help.

*\* Direct conversation is not a requirement, but it's one way to help us all self-manage this issue.*



# GETTING ALONG IN THE OFFICE



What is “cubicle or work station etiquette”? Always ask; never assume. Agree on mutual privacy.

What about cell and speaker phones, spicy foods, scents, music, gum, cursing, and loud voices?

What is the solution for dealing with people that drive us crazy at work?:

**Direct, Non-Personal, Immediate, Feedback**

# SEXUAL OR RACIAL HARASSMENT 101

*“Unwelcome, hostile, offensive, severe, intimidating, interfering, pervasive, repetitive”*

Any visual, verbal, or physical conduct based on sex or of a sexual nature, race, or other protected classes, that unreasonably interferes with a person's job performance; submission is used as a condition of employment (Quid Pro Quo); or creates a hostile, offensive, or abusive workplace atmosphere. One incident may or may not qualify as a violation.



# THE BIG PICTURE

- Federal and state employment laws entitle everyone to a workplace that is free from sexual or racial harassment.
- Sexual or racial harassment is against our policy *and* outside the course and scope of your employment. It will not be tolerated.
- Besides the potential for losing your job, you could be personally sued for sexual or racial harassment.
- This is an important subject and a critical part of your employment here.
- It's about respect and dignity, personal responsibility, support for victims, and consequences for perpetrators.

# OUR THEMES

- Sexual and racial harassment prevention is everyone's responsibility. We respect each other's boundaries here.
- Our organization will not tolerate *any* form of harassment.
- All supervisors must work to create and model a harassment-free workplace. We provide multiple channels of reporting through many stakeholders.
- There are consequences for employees (or others) who violate this policy (or who make false accusations).
- There is support, advice, and assistance for employees who report harassing behavior, (even if they want nothing done), including **protection from retaliation**.
- Remedies: coaching, training, transfer, discipline, termination.

# RETALIATION

No adverse actions may be taken against the reporting party, perpetrators, witnesses, bystanders, or employees who participate in the investigation.

Examples: silent treatment, harsh treatment, transfers, demotions, hours change, skipping promotions, job duties change, not providing information, denial of overtime, negative performance evaluations, bad references.

# SEXUALLY HOSTILE WORK ENVIRONMENTS

- Sexually-oriented or gender-based jokes, comments, photos, cartoons, electronic images, public remarks.
- Intentional rubbing, touching, or blocking the path of a person. Leering, ogling, sexually-oriented looks and gestures. No gratification necessary.
- Comments or gossip about sexual activities, or negative comments about sexual orientation.
- Showing favoritism to those who allow or engage in harassing behaviors, or allowing retaliation.
- No boss-employee relationship is necessary.

# RACIALLY HOSTILE WORK ENVIRONMENTS

- Racially-oriented or religious-based jokes, comments, photos, cartoons, public remarks.
- Discrimination based on religious beliefs, ethnicity, national origin.
- May include “nicknames,” teasing about accents, and similar derogatory comments.
- Showing favoritism to those who allow or engage in these harassing behaviors, or allowing retaliation.
- No boss-employee relationship is necessary.

# TYPICAL HARASSMENT POLICIES

Purpose – To provide a work environment free from sexual or racial harassment.

Eligibility – All employees, vendors, visitors, patrons.

Definition – No visual, verbal, or physical harassment or offensive conduct that creates a hostile work environment and no sexually or racially-oriented harassment in any form.

Administration – Report complaints to the senior leadership, HR, or any supervisor, who will respond to every complaint, policy violation, retaliation claim, or false accusation. We will investigate, make decisions, and enforce our policy.

Discipline – Up to and including termination.



# WHAT IS BULLYING?

Yelling, threatening someone, or threatening his or her job.

“Horrible, willful, malicious, intentional conduct,” that fails the “reasonable employer, supervisor, or employee test.”

Creating a “psychological power imbalance,” so that employees feel one-down: humiliated, embarrassed, driven to tears, or belittled in front of others, on a regular basis.

Hazing, taunting, pranks, sabotage of work or personal property.

More subtle forms: setting employees up to fail, withholding information, negative evaluations, piling on work, setting impossible goals, passive-aggressive behaviors.

# THE SUPERVISOR'S PROCESS

- Respond immediately; listen to the complaint. Is there a history between one or more parties?
- Contact your supervisor and/or HR immediately; support their efforts. Chain of command issues?
- Help identify all participants, witnesses, or evidence. Follow “need to know” confidentiality.
- Don't make false promises or ignore the issue.
- Document your discussions and response steps.
- Follow up with victims, follow through with perpetrators, and continue to monitor for retaliation.

# REMINDING OUR EMPLOYEES OF THEIR RIGHTS

- If you feel you have been harassed, tell the person to stop the comments or behavior.
- If the person does not stop, report it immediately to your supervisor, another supervisor, and/or HR.
- Don't wait until the situation escalates. Don't give the power back to the harasser by not reporting it.
- Tell the truth. Provide documentation or witnesses if possible. Have patience through the investigation process. Recognize the limits of confidentiality.



# AVOIDING LITIGATION

A successful defense involves:

- an in-place policy
- leadership training
- continuing employee awareness-building
- no prior / repeated incidents
- as-needed confidentiality; multiple channels
- an immediate investigative response
- real protection for victims; no retaliation.
- real corrective consequences for perpetrators



# E-MAIL AND SOCIAL MEDIA USAGE ISSUES

- *There is no expectation of privacy on any e-mail, text, or Internet / Intranet correspondence.*
- Do not show, create, or forward inappropriate e-mails or cell phone-based videos, photos, jokes.
- Be mindful of your work-related postings on social media sites.