

## Civil Rights, Diversity, Equity, and Inclusion Commitment Policy

<p>Southeastern NY Library Resources Council  <b>Civil Rights, Diversity, Equity, and Inclusion          Commitment Policy</b>          Related policies:          Equal Employment Opportunity          Sexual Harassment Prevention          Anti-Discrimination          Bullying and Harassment Prevention and          Intervention          Employee Code of Conduct          Visitor Code of Conduct          Vendor Code of Conduct</p>	<p>Approved by the Board of Trustees: 09/15/2022</p>
<p>Positions responsible for compliance: Executive          Director, Board</p>	<p>To be reviewed: Annually</p>

As required by law, Southeastern does not allow illegal discrimination in our office and our programs and services, and strives to assure the civil rights of those who work at and with the organization.

Beyond legal requirements, however, Southeastern aspires to diminish the likelihood of a discrimination or harassment concern and to promote Southeastern's mission of service through a visible and evolving commitment to equity, diversity, and inclusion.

With that commitment in mind, this policy explains how Southeastern works to prevent illegal discrimination, how we respond when a report of illegal discrimination is made, and how we work to build a collaborative, supportive, and inclusive environment.

Depending on the "type" of priority or concern being addressed, the above-listed "related policies" may also be a part of that work.

### What is "illegal discrimination"?

"Illegal discrimination" is, as defined by law in the State of New York, behavior that adversely impacts, or has the potential to adversely impact, a person on the basis of:

- race
- color
- religion
- creed
- national or ethnic origin
- age
- sex
- gender identity
- gender expression
- sexual orientation
- marital or familial status
- domestic violence victim status
- disability
- predisposing genetic characteristics
- military status (including veteran status and service in the U.S. Reserves or state militia, as defined by law)

Definitions of these protected categories are at the end of this policy and are also in related policies.

## STRATEGY

### How does Southeastern deter and forbid illegal discrimination?

Southeastern does not allow illegal discrimination in our office, programs, or services. It is forbidden as being both against the law and our mission.

### How does Southeastern prevent illegal discrimination?

- We train our employees to recognize and avoid behavior that could constitute **illegal discrimination**.
- We require employees and Southeastern trustees who observe discriminatory behavior to **report it**.
- We encourage any person who observes discriminatory behavior to **report it**.
- We **promptly investigate** reports of illegal discrimination.
- We take **interim measures** to reduce the risk of further reports of illegal discrimination during an investigation.
- We **prohibit retaliation** against people who report possible violations of this policy and/or who participate in an investigation or support those who do so.
- When it is determined that discriminatory acts may have occurred, **we take action** to make sure we reduce the risk of the behavior recurring.

### How do I "report" suspected discrimination? And what if I am wrong?

When in doubt, please bring forward concerns regarding possible discrimination or unfair treatment. The discrimination reporting process is the only mechanism through which the council may formally identify, respond to, prevent, and eliminate incidents of illegal discrimination.

If you are concerned you have observed illegal discrimination, please report it to the Executive Director or a member of the Finance and Personnel Committee. It is the job of the person taking the report to make sure Southeastern assesses if what you are reporting is a violation of this policy.

## THE REPORTING PROCESS

The reporting process may be used by any person who believes they have been the subject of discrimination in connection with Southeastern.

Any person working at or with Southeastern, which encompasses contractors, guests, and visitors, has the ability to report potential discrimination or harassment; report forms are posted publicly at <https://www.senylrc.org/policies>.

In instances of harassment or discrimination, there may be situations where the council is legally obligated to pursue an investigation regardless of the reporting individual's willingness to proceed. In this event, we'll let you know that, and steps will be identified to protect you against retaliation. In instances involving allegations of serious misconduct or crime impacting the council, the matter may be referred to appropriate authorities for investigation.

When bringing forward a complaint, you will be asked to complete a report form at <https://www.senylrc.org/policies>. Failure or refusal to complete this form will not preclude investigation of the discrimination report.

You may also report anonymously, but it is important to note that due process considerations may limit the ability to investigate or resolve anonymous complaints.

Retaliation against anyone who reports discrimination, participates or assists in an investigation, or opposes a discriminatory act, practice, or policy is unlawful and is prohibited by this policy. Retaliation will not be tolerated and may result in disciplinary action.

### **How does Southeastern promote diversity and inclusion?**

Southeastern is engaged in an evolving process to create a flexible, responsive, and inclusive work and service environment. Major initiatives of this process include:

- A recruitment and development strategy that uses proven techniques to attract and retain employees from populations statistically under-represented in the workforce;
- A procurement and contracting strategy that uses proven techniques to attract and retain vendors from populations statistically under-represented, including certified MWBEs;
- Personnel policies that maximize the opportunity while minimizing barriers to access and performance;
- Re-evaluating practices through solicited and unsolicited input and critique, as well as objective assessment.

## **DEFINITIONS**

### **Discrimination**

Is treatment of an individual or group based upon a factor prohibited by law, including race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, gender expression, sexual orientation, predisposing genetic characteristics, marital status, familial status, veteran status, military status, domestic violence victim status, or criminal conviction status, that adversely affects the individual's or group's employment or academic status. Policies or practices that adversely impact a protected group may also constitute discrimination, even when applied in a consistent manner. Discrimination may also result from failure to provide accommodations to individuals when required due to the individual's disability, religion, pregnancy status, maternity, breastfeeding, transgender status, or sexual violence victim status.

### **Retaliation**

Is an adverse action taken against an individual as a result of complaining about discrimination or harassment, exercising a legal right such as obtaining a reasonable accommodation, opposing discriminatory practices or harassment, or participating in or assisting a complaint investigation. Adverse actions may include, but are not limited to: termination or dismissal, failure to promote or assign salary increases, the assignment of lower grades or performance evaluations than other individuals who perform similarly, attempts to intimidate or harass the individual, the assignment of less desirable work to the individual, or the provision of negative references with respect to academic work or employment.

### **Harassment**

Is a form of discrimination consisting of oral, written, graphic or physical conduct relating to an individual's protected characteristics that has the effect of subjecting the individual to inferior terms, conditions, or privileges of employment or interferes with or limits the ability of an individual to participate in or benefit from the council's programs or activities. Such conduct must amount to more

than petty slights or trivial inconveniences but need not be severe or pervasive. Engaging in speech or expression protected by the First Amendment is not a violation of the council's policies against discrimination and harassment.

**Race**

Includes traits historically associated with race, including but not limited to hair texture and protective hairstyles; **protective hairstyles** include, but are not limited to, such hairstyles as braids, locks, and twists.

**Color**

Refers to skin tone or perceived skin tone.

**Religion**

New York State's Human Rights Law protects employees and job applicants from discrimination that may require them to violate or forgo a sincerely held practice of their religion as a condition of getting hired or keeping a job. The law requires that employers make an effort to reasonably accommodate an employee's religious practices, so long as it does not cause an undue hardship for the employer. For example, if a person is required by their religion to wear a certain type of garment, unless there is a bona fide reason (such as safety), that should be allowed.

**Creed**

Generally, it is unlawful to treat a job applicant or employee differently in recruitment, hiring, and employment because of that person's creed, which includes an individual's religious beliefs or affiliation.

**National or ethnic origin**

Means a place of birth or residence; the term "national origin" also includes "ancestry."

**Age**

It is an unlawful discriminatory practice for an employer or employment agency to make any inquiry or use any application form which expresses, directly or indirectly, any limitation or discrimination as to age. Employment inquiries relative to age should be limited to the question, "Are you 18 years of age or older?" unless there are bona fide reasons, such as licensing, for a specific inquiry.

**Sex Discrimination**

Includes, but is not limited to, sexual harassment, sexual assault, and sexual violence.

**Sexual Harassment**

Means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to or enduring such conduct when rejected is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other council activities, or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

**Gender Identity or Expression**

Means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

### **Sexual Orientation**

Means heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived. However, nothing contained herein shall be construed to protect conduct otherwise proscribed by law.

### **Familial Status**

Means:

- (a) any person who is pregnant or has a child or is in the process of securing legal custody of any individual who has not attained the age of eighteen years, or
- (b) one or more individuals (who have not attained the age of eighteen years) being domiciled with:
  - (1) a parent or another person having legal custody of such individual or individuals, or
  - (2) the designee of such parent.

### **Victim of Domestic Violence**

Means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act by a family or household member which would constitute a violation of the penal law.

### **Disability**

Means:

- (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, or
- (b) a record of such an impairment, or
- (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

### **Reasonable Accommodation**

Means actions taken which permit an employee, prospective employee, or member with a disability, or pregnancy-related condition, to perform in a reasonable manner the activities involved in the job or occupation sought or held and include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring and modified work schedules; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

### **Pregnancy-related Condition**

Means a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, including but not limited to lactation; provided, however, that in all provisions of this article dealing with employment, the term shall be limited to conditions which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held; and provided further, however, that pregnancy-related conditions shall be treated as temporary disabilities for the purposes of this article.

**Predisposing Genetic Characteristic**

Means any inherited gene or chromosome, or alteration thereof, and determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.

**Military Status**

Means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

**Reserve Armed Forces**

Means service other than permanent, full-time service in the military forces of the United States, including but not limited to service in the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Air Force Reserve, or the United States Coast Guard Reserve.

**Organized Militia of the State**

Means service other than permanent, full-time service in the military forces of the state of New York, including but not limited to the New York army national guard, the New York air national guard, the New York naval militia, and the New York guard.

**Veteran**

New York State's Human Rights Law prohibits employers, housing providers, non-religious educational institutions, and places of public accommodation from discriminating against persons because of their military status. The Law protects you if you participate in the military service of the United States, or the military service of another state, or are a veteran of such a service.