

WESTCHESTER LIBRARY SYSTEM
Trustee Meeting
November 27, 2018 – Approval Pending

REGULAR MEETING

The Regular Meeting of the Westchester Library System was called to order by Sean Ryan, President, at 6:05 p.m. at WLS Headquarters. The quorum requirement was met with the following people in attendance:

Board Members present: Dave Donelson, Cathy Draper, LaRuth Gray, Karen Kelley, Jonathan Marshall, Julie Mills-Worthey, Susan Morduch, Sean Ryan, Edris Scherer, Bernie Seiler

Board Members absent: Hope Furth, Sue Neale, Joseph Puglia, Karen Zevin

Also present from WLS were: Terry Kirchner, Patricia Brigham, Francine Feuerman, Elise Burke

Public Library Directors Association (PLDA) Representative: Karen LaRocca-Fels, Director of Ossining Public Library

Mr. Ryan opened the meeting by thanking outgoing trustee Dr. Gray for her 20 years of service and many contributions to the WLS Board. She was given a standing ovation for her outstanding service.

MINUTES

The minutes of the meeting of October 30, 2018, were accepted on a motion by Ms. Scherer and seconded by Ms. Draper. The motion passed unanimously.

FINANCIAL REPORTS

The financial report through October 2018 was presented by Ms. Scherer and Ms. Feuerman and was accepted on a motion by Ms. Scherer and seconded by Mr. Donelson. The motion passed unanimously.

INFORMATION ITEM

WLS Bylaws & Gift Acceptance Policy Revisions: Ms. Draper, Chair of the Governance Committee, reported that the Committee met on October 25th and is recommending the following edits to the Bylaws: 1) Article I. TRUSTEES—Section 1, correction to number formatting; 2) Article I. TRUSTEES—Section 5, change to maximum absences from three consecutive meetings to three meetings during a calendar year as grounds for requesting replacement of a trustee; and 3) Article VI. COMMITTEES—deletion of the names of the Standing Committees.

The Committee is also recommending a revision to WLS Policy #15 re Gift Acceptance to reflect that all marketable securities will be sold promptly upon receipt with no consideration by the WLS Executive Board. Copies of the revised policies are attached and will be officially voted on at the January 2019 Board Meeting.

ACTION ITEMS

WLS Sexual Harassment Policy & Privacy Policy Revision: Per last month's report, the Governance Committee reviewed and recommends approval of the new sexual harassment prevention policy and complaint form in compliance with the recent New York State Labor Law.

The Board approved WLS Policy #17 re Sexual Harassment (see attached) on a motion by Dr. Gray and seconded by Dr. Morduch. The motion passed unanimously.

In addition, the Governance Committee reviewed and recommends revisions to the WLS Policy #11 re Privacy to reflect current technological workflows.

The Board approved the revised WLS Policy #11 re Privacy (see attached) on a motion by Ms. Scherer and seconded by Ms. Mills-Worthey. The motion passed unanimously.

Central Library Aid Budget FY2019-20: Brian Kenney, member of the PLDA Central Library Advisory Committee/e-Content Committee, reviewed the Central Library Development Aid budget. The FY2019-2020 CLDA budget proposal includes the following:

	2019-2020
Hoopla*	\$ 36,000
Job and Career Accelerator	15,000
Kanopy*	10,000
Learning Express Library 3.0 (includes Job Search & Occupational Practice Tests)	49,565
Lynda.com	27,500
Mergent Intellect	27,500
McNaughton (NY Times non-fiction print)	21,000
NoveList	50,000
OverDrive*	30,000
Press Reader	30,000
Recorded Books*	10,000
Total Boox*	11,000
University of Fashion	8,000
X-Plain Patient Education Health Tutorials	5,000
Training	<u>20,735</u>
Total Central Library Aid Budget:	\$351,300

**Also funded through other budgeted sources*

The Public Library Directors Association (PLDA) CL/eContent Committee met on 8/14/18 and discussed system-wide e-content purchases that could be subscribed to via the CL Funds. A summary of the proposed budget was discussed at the 9/20/18 PLDA general membership meeting that includes the following: increased funding for Hoopla; adds 24-hour streaming services to Freegal; includes a lease program (via McNaughton) for high-demand non-fiction titles; and eliminates Mango as an online language service with a free alternative. These recommendations were presented to and approved by the general membership of (PLDA) at their October meeting.

Discussion followed regarding how eContent usage is tracked for Central Library materials and what information is used to assess whether the investment in Central Library services is effective.

The Board approved the Central Library Development Aid budgets for 2019-20 as submitted on a motion by Mr. Donelson and seconded by Ms. Draper. The motion passed with 9 votes in favor and 1 opposed (Ms. Mills-Worthey).

WLS Fiscal Year 2019 Budget: Ms. Scherer, WLS Budget Committee Chair, reported that the Budget Committee met several times to review various scenarios for the Fiscal Year 2019 operating budget. The proposed budget was reviewed and discussed.

Overall, the budget reflects a deficit of \$102,300 not including projections for depreciation and provides continued support of the Integrated Library System (ILS) migration, the most current WLS programs and services and the initiatives identified in the 2018 strategic planning process. The proposed revenue budget is based on conservative projections of flat funding from the State and a minor increase from the County. The overall member library fees will increase by 2%. The proposed expenses include a 2% increase for salaries as well as an increase for health benefits and pension costs; and support of reimbursement of libraries participating in the interlibrary loan debit/credit program. All expenses will be closely monitored, and additional revenues will be sought through advocacy and development.

The Board approved the WLS FY2019 operating budget as submitted (see attached) on a motion by Mr. Donelson and seconded by Ms. Scherer. The motion passed with 9 votes in favor and 1 opposed (Ms. Mills-Worthey).

WLS FY2019 Capital Budget: Ms. Feuerman gave an overview of the Capital projects being proposed for FY2019 which include: iTiva Server—replacement of existing equipment to provide telephone and SMS text messaging to patrons (\$7,000); Network Equipment—continued upgrading of bandwidth at library sites and replacement of some WLS existing equipment (\$80,000); LEADER Lab Equipment—replacement of training laptops and purchase of additional Makerspace/STEM kits (\$20,000); and Contractual Services—for assistance in completion of the implementation of VDI, implementation of the migration from SIRSI to Equinox, and development of the Data Dashboard (\$228,000).

The Board approved the WLS FY2019 capital budget as submitted (see attached) on a motion by Ms. Scherer and seconded by Ms. Draper. The motion passed unanimously. Ms. Scherer thanked the Budget Committee and Ms. Feuerman for their hard work.

COMMITTEE REPORTS

Innovation Group: Mr. Donelson reported that the Group met on November 26th and had an interesting discussion about development from different perspectives. The importance of trustee financial participation at any level to grant funders was noted, and trustees were encouraged to consider their own contribution. Discussion also included the key elements needed in order to move forward with the strategic priorities: 1) Funding: Ms. Brigham will supply a summary of activities; 2) Next steps: need to pick something and do it and determine how timely and important the project is, not only to WLS but to the community being served; and 3) Perspective Partners: does WLS have the partners and funding sources to pitch the idea. One initiative that met the criteria was the 2020 Census because libraries are uniquely situated to help; this is the first Census to be done digitally; and ensuring a good count is very important. The WLS staff will develop a plan for implementation. Any ideas or questions can be emailed to Dr. Kirchner.

Nominating/Board Development Committee: Dr. Morduch noted that a basic orientation packet for newly elected WLS trustees is being developed. The committee is also looking into methods of how WLS trustees can share their member library successes and challenges and how to increase training opportunities for trustees.

EXECUTIVE DIRECTOR'S REPORT

A copy of the Executive Director's Report was mailed in advance of the meeting.

Dr. Kirchner met with Mr. Ryan regarding a newsletter format that could be used by the Board to share information with their member libraries. A hearing of the NYS Assembly Committee on Libraries & Education Technology will be held on December 7th in Albany, and Dr. Kirchner will speak regarding the cost savings of system services and the 2020 Census.

At the State level, a suggestion for mandatory trustee training is currently being considered. Options for better trustee communication were discussed. With four different types of libraries, WLS would be willing to host periodic optional training forums specifically geared toward each type of library (e.g. association libraries, city libraries, etc.).

The 2019 schedule of WLS Board Meetings was distributed. Due to a conflict with Advocacy Day, it was suggested that no meeting be held in February but that an educational type of meeting be held instead.

PLDA LIAISON'S REPORT

Ms. LaRocca-Fels reported that the following was discussed at the November PLDA meeting, which followed the WLS Annual Meeting:

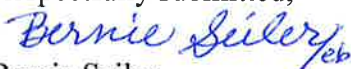
- Plans/timeline for ILS migration and training as well as the designation of key trainers at each member library;
- An ILS Committee was formed for going forward with the transition and development of improvements that would have the most meaningful impact;
- Officers were elected with Andrew Farber as 2nd Vice President who will be the WLS Board Meeting Liaison starting January 2019.

Ms. LaRocca-Fels has enjoyed her year as the PLDA Representative and thanked the board for their thoughtful participation.

ADJOURNMENT

Having completed its agenda, the Board adjourned its meeting at 7:36 p.m. on a motion by Dr. Gray and seconded by Ms. Scherer. The motion passed unanimously.

Respectfully submitted,


Bernie Seiler
Secretary

WESTCHESTER LIBRARY SYSTEM

PREAMBLE

The Board of Trustees of the Westchester Library System (WLS), hereafter designated as the Board, a corporation created by a charter granted by the University of the State of New York, November 21, 1958, hereby enacts the following Bylaws.

STATEMENT OF PURPOSE

WLS is a cooperative public library service agency having as members the 38 public libraries in Westchester County. The mission of WLS is to ensure that all residents have seamless access to excellent library service throughout Westchester County. WLS shall serve as a center of innovation for the Westchester County library community. WLS shall provide model programs, affordable and easy-to-use information technology and support services that enable libraries to continuously improve service to their communities.

BYLAWS

Article I. TRUSTEES

Section 1. The WLS Board is composed of ~~fifteen (15)~~ 15 trustees, each of whom is elected for a term of five ~~(5)~~ years. To ensure continuity, three ~~(3)~~ Trustees are elected each year. The Appendix to these Bylaws lists the ~~fifteen (15)~~ library districts which the WLS Trustees represent.

Section 2. The principal responsibilities of the Trustees shall be to appoint an Executive Director for the Westchester Library System, to discharge fiscal responsibility for the System, and to promote public library service in Westchester County. The Trustees also shall act as liaisons between the System and their respective library districts and shall become well-informed about the issues and concerns of their respective libraries by remaining in contact with the local Board(s) of Trustees and Director(s).

Section 3. From January 1, 2008 forward, Trustees shall be limited to serving two consecutive five-year terms. For Trustees, who already were part of the Board prior to 2008, this limitation shall not include any previous terms served.

Section 4. Any vacancy on the Board shall be filled, for the balance of the unexpired term, by the Board on the recommendation of the area which nominated the original incumbent.

Section 5. Attendance at meetings is a prerequisite for continued service as a Trustee. Three ~~(3)~~ or more ~~consecutive-unexcused~~ absences **during a calendar year** shall be considered grounds for requesting replacement of the Trustee. The decision to replace a Trustee who has three ~~(3)~~ or more ~~consecutive-unexcused~~ absences **during a calendar year** shall rest with the member library or libraries comprising the library district represented by that Trustee.

Section 6. A Proxy may attend Board meetings from time to time, but may not vote in place of the absent member.

ARTICLE II. OFFICERS

Section 1. The officers of the System shall be as follows: President, Vice-President, Secretary, and Treasurer.

Section 2. The President, Vice-President and Secretary shall be elected annually by the Board from its membership.

Section 3. The Treasurer shall be appointed by the Board but need not be a member of the Board.

Section 4. The term of office of all elected officers shall be one year.

Section 5. No member of the Board may serve as President for more than two consecutive years.

Article III. DUTIES OF OFFICERS

Section 1. The President shall preside at meetings of the Board and System. The President shall be authorized to sign checks in payment of obligations of the System as approved by the Board of Trustees.

Section 2. The Vice-President shall preside at meetings and shall perform the other duties of the President in the absence or disability of the President. The Vice-President shall be authorized to sign checks in payment of obligations of the System as approved by the Board of Trustees.

Section 3. The Secretary shall have charge of the records of the System and shall keep the minutes of its meetings. The Secretary shall be authorized to sign checks in payment of obligations of the System as approved by the Board of Trustees.

Section 4. The Treasurer shall have charge of the funds of the System insofar as may be allowed by law. The Treasurer shall be authorized to sign checks in payment of obligations of the System as approved by the Board of Trustees. The Treasurer shall make monthly reports to the Board and such other reports as may be required from time to time. The Treasurer shall attend all meetings of the Board but if not a member of the Board, shall have no vote.

Section 5. The four officers of the Board, and the immediate Past President, who are Trustees shall comprise the Executive Committee. The Executive Committee shall perform such duties as are delegated to it by the Board of Trustees, and consult with the Executive Director as necessary between Board meetings, as appropriate.

Section 6. In addition to the foregoing duties, each officer shall have the authority and perform such duties as may be conferred upon the position by the Board.

Article IV. DUTIES OF THE EXECUTIVE DIRECTOR

Section 1. An Executive Director shall be selected by the Board of Trustees to serve as the Chief Executive Officer of the Westchester Library System.

Section 2. The Executive Director shall have overall responsibility for and supervision of the Library System, performing such duties as are usually required of Library System Directors under State law and regulation, within the framework of the policies and objectives established by the Board. The Executive Director shall also perform such other duties as the Board may direct.

Section 3. The Executive Director shall attend all meetings of the Board (or designate a representative in exceptional circumstances in case of his or her absence). The Executive Director may take part in the deliberations, but shall have no vote. The Executive Director shall submit to the Trustees an annual report as to the progress and condition of the System during the current year, accompanying the same with recommendations and suggestions as may seem to be expedient. The Executive Director shall be authorized to sign checks in payment of obligations of the System as approved by the Board of Trustees.

Article V. MEETINGS

Section 1. The regular meetings of the Board shall be held on the last Tuesday of each month at a time and place determined by the Board. A quorum shall consist of a majority of the Board members entitled to vote. If it is known in advance that a quorum will not be present at a regular meeting, the meeting may, at the discretion of the President, be held at a time at which a quorum can be present.

Section 2. The annual meeting of the System, time and place to be determined by the Board, shall be for the purpose of re-electing or electing new Board members, reviewing the minutes of the previous year's annual meeting of the System and receiving the annual report of the Executive Director, and considering any other business that may properly come before an annual meeting of the System.

Section 3. Special meetings of the Board may be called by the President, or upon request of five Trustees, for the transaction of such business as may be stated in the call.

Article VI. COMMITTEES

Section 1. The Board may designate Standing Committees and delegate to them the necessary powers to conduct their duties. ~~Current standing committees are: Audit, Budget, Development, Governance and Nominating.~~

Section 2. Special Committees may be appointed by the President to conduct special tasks and upon completion of their assignments Special Committees will be dissolved.

Section 3. At the discretion of the Board, Standing and Special committees may be added or dissolved.

Article VII. AMENDMENTS

Section 1. Alterations, amendments or additions to these Bylaws, or the repeal of any thereof, may be made by majority vote of the Board at a regular or annual meeting, provided the changes shall have been submitted at an earlier regular meeting of the Board and a copy of the proposed changes sent by email or postal mail to each Board member at least ten days prior to the meeting at which the vote is to be taken.

Adopted November 25, 1958

Revised November 24, 1959

Revised December 27, 1960

Reaffirmed after Review, September 26, 1978

Revised November 24, 1987

Revised May 31, 1988

Revised October 30, 2001

Revised January 29, 2008

Revised December 9, 2008

Revised April 26, 2016

Revised _____, 2019

APPENDIX
WESTCHESTER LIBRARY SYSTEM
DISTRICTS

DISTRICT I

Croton
Montrose
Yorktown

DISTRICT II

Briarcliff Manor
Ossining
Tarrytown

DISTRICT III

Bedford Hills
Chappaqua
Katonah
Mount Kisco

DISTRICT IV

North Salem
Somers
South Salem

DISTRICT V

Armonk
Bedford Village
Mount Pleasant
Pound Ridge

DISTRICT VI

Ardsley
Dobbs Ferry
Greenburgh
Hastings
Irvington

DISTRICT VII

Harrison
Purchase

DISTRICT VIII

Larchmont
Mamaroneck
Scarsdale

DISTRICT IX

Bronxville
Eastchester
Pelham
Tuckahoe

DISTRICT X

Port Chester
Rye Brook
Rye City
Rye Town

DISTRICT XI

White Plains

DISTRICT XII

Peekskill

DISTRICT XIII

Mount Vernon

DISTRICT XIV

New Rochelle

DISTRICT XV

Yonkers

Subject: Gift Acceptance

Application: WLS trustees, employees, donors

The Westchester Library System (WLS) is a 501(c) (3) entity whose mission is to ensure that all residents have seamless access to excellent library service throughout Westchester County.

This policy will guide WLS staff and trustees when discussing gifts with donors.

WLS solicits and accepts gifts for purposes that will help the organization further and fulfill its mission. All contributions and bequests made to the WLS are tax deductible to the extent allowed by law. WLS urges all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts, including the resulting tax and estate planning consequences. The following policies and guidelines govern acceptance of gifts made to WLS for the benefit of any of its operations, programs or services.

The WLS Gift Acceptance Policy is guided by the following principles:

- WLS solicits and accepts gifts that are consistent with its mission.
- Donations will generally be accepted from individuals, partnerships, corporations, foundations, government agencies, or other entities, without limitations.
- WLS may seek the advice of legal counsel in matters relating to acceptance of gifts, including deferred and non-cash gifts such as but not limited to: life insurance, annuities, real property, gifts of personal property, stock and in-kind services when appropriate.

Restrictions on Gifts

WLS will not accept gifts that (a) would result in WLS violating its corporate charter, (b) would result in WLS losing its status as an IRS 501(c)(3) not-for-profit organization, (c) are too difficult or too expensive to administer in relation to their value, (d) would result in any unacceptable consequences for WLS or (e) are for purposes outside WLS's mission.

Decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Executive Committee in consultation with the Executive Director.

Gifts Generally Accepted Without Review

- *Cash:* Cash gifts are acceptable in any form, including by check, money order, credit card, or on-line. Donors wishing to make a gift by credit card must provide the card type (e.g., Visa, MasterCard, American Express), card number, expiration date, and name of the card holder as it appears on the credit card.
- *Marketable Securities:* Marketable securities may be transferred electronically to an account maintained at one or more brokerage firms or delivered physically with the transferor's endorsement or signed stock power (with appropriate signature guarantees) attached. All marketable securities will be sold promptly upon receipt unless otherwise directed by the WLS Executive Committee. In some cases

marketable securities may be restricted, for example, by applicable securities laws or the terms of the proposed gift; in such instances the decision whether to accept the restricted securities shall be made by the Executive Committee.

- *Bequests and Beneficiary Designations under Revocable Trusts, Life Insurance Policies, Commercial Annuities and Retirement Plans:* Donors are encouraged to make bequests to WLS under their wills, and to name WLS as the beneficiary under trusts, life insurance policies, commercial annuities and retirement plans.
- *Charitable Remainder Trusts:* WLS will accept designation as a remainder beneficiary of charitable remainder trusts.
- *Charitable Lead Trusts:* WLS will accept designation as an income beneficiary of charitable lead trusts.

Gifts Accepted Subject to Prior Review

Certain forms of gifts or donated properties may be subject to review prior to acceptance. Examples of gifts subject to prior review include, but are not limited to:

- *Tangible Personal Property:* The Executive Committee shall review and determine whether to accept any gifts of tangible personal property in light of the following considerations:
 - Does the property further the organization's mission?
 - Is the property marketable?
 - Are there any unacceptable restrictions imposed on the property?
 - Are there any carrying costs for the property for which the organization may be responsible?
 - Is the title/provenance of the property clear?
- *Life Insurance:* WLS will accept gifts of life insurance where WLS is named as both beneficiary and irrevocable owner of the insurance policy. The donor must agree to pay, before due, any future premium payments owing on the policy.
- *Real Estate:* All gifts of real estate are subject to review by the Executive Committee. Prior to acceptance of any gift of real estate other than a personal residence, WLS shall require an initial environmental review by a qualified environmental firm. In the event that the initial review reveals a potential problem, the organization may retain a qualified environmental firm to conduct an environmental audit. Payment for the cost of any environmental review and/or audit shall be the responsibility of the donor. Criteria for acceptance of gifts of real estate include:
 - Is the property useful for the organization's purposes?
 - Is the property readily marketable?
 - Are there covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property?
 - Are there carrying costs (including insurance, property taxes, mortgages, notes, or the like) or maintenance expenses associated with the property?
 - Does the environmental review or audit reflect that the property is damaged or otherwise requires remediation?

Donation Processing

WLS recognizes that the accurate and timely processing of gifts is important to both WLS and the donor. WLS assumes the responsibility of ensuring that gifts are recorded and acknowledged appropriately. WLS will provide a donation receipt in accordance with IRS guidelines. The donor is informed of any quid pro quo arrangements in the gift transaction or lack thereof. The 1996 IRS regulations identify the substantiation requirements for charitable gifts as follows:

- Information on how much of a charitable gift is deductible;
- Instructions on how to substantiate gifts of \$250 or more;
- Disclosure requirements for quid pro quo contributions of more than \$75.

Recognizing Gifts

Gifts of cash are recognized when received. The date of a gift is the date that the asset ceases to be in the donor's control and, instead, is with the control of WLS. WLS adheres to the rules of gift acceptance required by the IRS as follows:

- Mail: postmark date;
- Hand delivery: date of physical receipt;
- Wire transfer: date received in the WLS account;
- Journal entry: date of transfer into the WLS account;
- Online: date of transaction.

Pledges are recognized and recorded when they are unconditional and there is sufficient evidence or documentation that the promise was made and received.

Processing a Cash Gift

Any representative of WLS who receives a check or cash that is or may be a contribution shall immediately notify the WLS Executive Director, Chief Financial Officer, or Director of Development of the matter by e-mail, telephone or facsimile, and shall forward such check or cash to WLS. All such gifts shall be promptly deposited into the WLS bank account, and appropriately recorded in the fund accounting and donor management systems. The Executive Director, Chief Financial Officer or Director of Development shall inform all interested parties in the manner and procedure of acknowledging and receiving the donor's gift and recognizing the donor.

| Last approved: ~~May 26, 2015~~ _____, 2019

Subject: Sexual Harassment¹

Application: Employees, trustees, customers, consultants, contractors, vendors and visitors

Introduction

Westchester Library System (WLS) 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 WLS's commitment to a discrimination-free work environment. Sexual harassment is against the law 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 WLS. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. WLS's policy applies to all employees, trustees, applicants for employment, interns, whether paid or unpaid, contractors, subcontractors, consultants, vendors, persons conducting business, and visitors, regardless of immigration status, with WLS. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee 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 employee shall be subject to adverse action because such employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. WLS will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. All employees working in the workplace who believe they have been subject to such retaliation should inform their immediate supervisor or the Executive Director. All 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 WLS policies, is unlawful, and may subject WLS 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

¹ Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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

5. WLS 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. WLS 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. WLS 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 Executive Director.
8. This policy applies to all 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 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, or 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, which 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 or 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 and non-employees, including independent contractors, and those

employed by companies contracting to provide services in the workplace. A harasser 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 an employee 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. WLS cannot prevent or remedy sexual harassment unless it knows about it. Any employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Executive Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Executive 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 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 Executive 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. WLS 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 a complaint, the Executive 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 the complaint is verbal, the Executive Director will encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, the Executive Director will 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 WLS but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at WLS, employees may also choose to pursue legal remedies with the governmental entities listed below. While a private attorney is not required to file a complaint with a governmental agency, an employee may seek the legal advice of an attorney.

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 HRL 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** 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 WLS does not extend an individual's time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

An attorney is not required to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate a 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 the 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. Individuals wishing to make a complaint may call (718) 741-8400 or visit: www.dhr.ny.gov.

An employee may contact DHR at (888) 392-3644 or visit 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 or via email at 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 <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. An individual who has been the target of such activity should contact the local police department.

Approved: *DATE*

DRAFT

**WESTCHESTER LIBRARY SYSTEM
SEXUAL HARASSMENT COMPLAINT FORM¹**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form 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 and submit it to the Executive Director. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the Executive Director should complete this form, provide you with a copy and follow the WLS sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

¹ Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

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

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- 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 the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Subject: Privacy

Application: Employees, customers, consultants, contractors, vendors and visitors

The Westchester Library System (WLS) and its member libraries are committed to protecting the privacy of our staff, donors, customers and other external contacts. The WLS privacy policy defines our commitment not to collect any personal information about our users when you visit our websites or register for a program or a library card unless you choose to provide such information. Any information you choose to provide will only be used to more effectively provide and better target library services throughout the County.

This confidentiality extends to information sought or received, materials consulted, borrowed, acquired; and includes database search records, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities or services.

WLS places account information on the secure portion of its computer system. For this reason, patrons are asked to input their barcode number and PIN each time they want to access their account information on the website.

Cookies

Users accessing the WLS or member library websites will need to enable cookies¹ in order to access a number of resources available through WLS. WLS's servers use cookies solely to verify that a person is an authorized user of library resources or to facilitate web site functionality. WLS server will not employ cookies for advertising or marketing.

Emails and Web Forms

Identifying information that you provide by e-mails or web forms will be used only for such purposes as are described at the point of collection (for example on a web form), such as to send information or provide library services to you, update your membership record or to better target library services to meet constituent demands.

WLS or a member library may contact a patron to clarify a comment or question, to learn about your level of customer satisfaction with library services or to deliver information regarding a library card account. To do so requires contact information provided by the patron. WLS will not use patron/customer emails for commercial purposes nor will it provide such information to external organizations.

¹ A cookie is very small text file placed on your hard drive by a Web Page server. It is essentially your identification card, and cannot be executed as code or deliver viruses. It is uniquely associated with the computer on which it is placed.

Information Collected and Stored Automatically

WLS does not collect information which identifies you personally. However, when a patron visits a WLS website to browse through the web site, read pages, or download information, certain information will be automatically gathered and stored about the visit to these pages:

1. The Internet domain (for example, "xcompany.com" if a private Internet access account, or "aschool.edu" if connected from a university) and IP address (an IP address is a number that is automatically assigned to a computer whenever it is connected to the Internet) from which access to the WLS web site is gained;
2. The type of browser and operating system used to access the WLS website;
3. The date and time of access to the website;
4. The pages visited and for how long; and
5. The address of the website from which the initial visit to the WLS or member library site was launched, if any.

WLS uses this information to help make its site more useful to visitors and to learn about the number of visitors to the site and the types of technology used. The data that is collected is not connected to a patron's personal information or identity.

Links to Other Sites

WLS's websites contain links to other sites. WLS and our member libraries are not responsible for the privacy practices of other sites, which may be different from the privacy practices described in this policy. It is the patron's responsibility to become familiar with privacy practices of websites external to WLS, including linked sites.

Customer Circulation Records

WLS member libraries use a computerized system to collect and track customer circulation records. Each Library maintains information provided by our customers from the registration form they complete when they register for a library card. When an item is checked out, that item is then tied to that customer's record in the WLS system. WLS and member libraries make every effort to break the link between a customer and their circulation activity as soon as possible. Records are maintained as needed to report anonymized statistics, collect debts and complete the successful return of borrowed items. Patrons also have the option to extend retention of records to enable additional library account management features such as reading lists.

Privacy & Confidentiality of Library Records

Library records that are deemed confidential are covered by New York State Law signed on June 13, 1988 (I CPLR 4509). These records are related to the circulation of library materials that 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, or the use of audio-visual materials, films or records. These records shall be confidential and shall not be disclosed except that such records may be disclosed upon the request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Revisions

WLS and our member libraries reserve the right to change or modify this privacy statement at any time. If WLS revises this privacy statement, changes will be posted on the WLS homepage.

Last approved: *DATE APPROVED*

DRAFT

Westchester Library System
Budget Summary 2017-2019

	2017 Final	2018 Adopted	2018 Projected	2019 Proposed	\$ change over 2018 Projected
REVENUES:					
General Library Aid	1,550,633	1,550,800	1,562,350	1,566,200	3,850
Supplementary Aid	206,134	206,200	207,700	208,200	500
Local Library Services revenue	279,700	279,700	279,700	282,500	2,800
Local Library Service pass-thru payments	(279,700)	(279,700)	(279,700)	(282,500)	(2,800)
Local Services Support Aid	192,947	193,000	194,400	194,900	500
Central Library Aid	284,271	284,300	286,440	287,100	660
Central Library Book Aid	66,953	67,000	67,430	67,600	170
Central Library Book Aid pass-thru payments	(66,927)	0	0	0	0
Westchester County	1,000,000	1,000,000	1,000,000	1,015,000	15,000
Westchester County (supplemental)				0	
Erate	317	0	0	160,000	160,000
Member Library Fees	2,704,639	2,749,600	2,760,100	2,804,700	44,600
Enhanced Services to Libraries	27,753	22,500	46,500	22,500	(24,000)
Special Events	12,662	12,000	11,200	10,000	(1,200)
Investments/Interest Income	9,707	6,000	11,200	12,000	800
WEBS, Non-Resident Cards, Misc	42,584	35,800	30,740	27,800	(2,940)
Coordinated Outreach	155,744	155,700	156,900	157,300	400
Correctional Facilities	41,297	41,300	39,900	39,400	(500)
Westchester Comm Coll pass-thru revenue	96,547	100,000	1,000	0	(1,000)
Westchester Comm Coll pass-thru payments	(96,220)	(100,000)	(1,000)	0	1,000
Other grants	193,246	148,500	129,900	142,300	12,400
Total Revenues:	6,422,287	6,472,700	6,504,760	6,715,000	210,240
EXPENSES:					
Personnel					
Salaries & Hourly Wages	2,363,274	2,376,900	2,364,273	2,434,800	70,527
Employee Benefits	896,686	943,000	959,700	969,500	9,800
Retiree Health Benefits	212,464	244,000	215,600	244,000	28,400
Subtotal Personnel	3,472,424	3,563,900	3,539,573	3,648,300	108,727
Other Than Personnel					
Professional Fees	29,546	28,900	26,230	36,400	10,170
Equipment	116,240	212,400	180,578	219,600	39,022
Library Materials	698,889	769,800	721,405	811,400	89,995
Rent & Utilities	336,186	337,600	329,565	346,000	16,435
Repairs & Maintenance	438,185	477,700	463,975	477,600	13,625
Supplies	28,478	38,100	28,632	43,100	14,468
Telephone & Internet	323,000	359,000	322,495	360,000	37,505
Printing & Postage	50,950	52,600	52,468	68,800	16,332
Bibliographic Fees	66,379	70,000	68,694	72,500	3,806
Professional Development	67,824	52,200	64,911	75,600	10,689
Travel, Conferences & Meetings	25,375	36,200	27,156	37,700	10,544
Memberships	12,762	15,100	15,100	16,400	1,300
Contractual Services	210,074	129,200	117,133	146,700	29,567
Delivery Service	390,221	393,500	396,526	406,500	9,974
Special Events	12,986	12,000	10,418	10,000	(418)
Insurance	21,388	25,000	23,555	25,000	1,445
Interest expense	0	500	0	0	0
Miscellaneous	6,176	13,700	5,998	15,700	9,702
Subtotal Other Than Personnel	2,834,659	3,023,500	2,854,839	3,169,000	314,161
TOTAL EXPENSES	6,307,083	6,587,400	6,394,412	6,817,300	422,887
Net Revenue before Depreciation	115,204	(114,700)	110,348	(102,300)	
Depreciation	194,537		242,911	264,200	
TOTAL EXPENSES with Depreciation	6,501,620	6,587,400	6,637,323	7,081,500	
Net Revenue	(79,333)	(114,700)	(132,563)	(366,500)	

Westchester Library System
 2019 Proposed Capital Budget

	2019 Budget PROPOSED	Description
REVENUES:		
Capital Fund	335,000	
EXPENSES:		
Computer Equipment & Software	7,000	iTiva server
Network Equipment	80,000	Network infrastructure
LEADER Lab	20,000	Laptops & makerspace kits
Contractual Services	228,000	VDI rollout, Data Dashboard, Equinox
TOTAL EXPENSES:	335,000	
Revenue vs. Expenses:	0	