



**LEBANON LIBRARY BOARD OF TRUSTEES
DECEMBER 7, 2022 - 7:00 PM
LEBANON LIBRARY DAMREN ROOM OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Approve Policy**
 - A. Draft Library Complaint Policy
 - 3. Other Business**
 - 4. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

Lebanon Public Library Complaint Policy Working Draft

The purpose of this policy is to clarify and explicate the City of Lebanon Administrative Policy [\(ADM\) 126.1](#) "Complaints and Investigations" as it pertains to Library employees. The policy is written considering the special relationship of Library employees to the City. Library employees are hired by, and their work conditions, rules and regulations are determined by the Library Trustees. At the same time "All library employees shall be paid by the City and covered by the City's health insurance (as may be eligible), worker's compensation, unemployment compensation and any other provisions applicable to City employees. All payment by the City to the library employees shall be chargeable to the library's appropriation." (Lebanon Code, Chapter 100, Section 100-4) The Library adheres to the provisions of ADM-126.1 with the following clarifications or exceptions to be in effect:

1. Where ADM-126.1 refers to city employees and administrators, the language also governs Library employees and members of the Board of Trustees.
2. No Library employee will be penalized in any way for submitting a complaint or concern in good faith. (ADM-126.1, Section 5.1.10; and [RSA 275-E](#))
3. Responsibility for investigating and resolving Library employee complaints rests ultimately with the Library Board of Trustees.
4. Initiating a Complaint

Library employees with a concern about a coworker, administrator, Trustee, member of the public, or who are aware of a problematic situation may address their concern by informal or formal action.

Employees may initiate an informal or formal complaint in person, by email, text, social media private messaging, letter or by telephone.

The Trustees must be informed of any formal complaint filed against library staff, including library management.

4.1 An informal complaint, e.g., a disagreement with a coworker, might be resolved by speaking with all parties involved.

4.2 An informal complaint may be taken to a formal level if any of the parties involved choose to file a formal complaint. The person filing the formal complaint is not required to notify involved parties in advance of filing.

4.3 A formal complaint may be filed with a direct supervisor, the Deputy Library Director, the Library Director, a Library Trustee, or by going outside the Library, for example by contacting the City Human Resources Director or the City Manager.

4.4 A complaint filed with a direct supervisor or the Deputy Director will be forwarded to the Director unless the Director is an involved party in the complaint. (ADM-126.1, Section 5.1.1)

4.5 The Director will inform the Trustees of any formal complaint in which they are not an involved party; the Director will also either recommend that the Trustees allow the Director to resolve the complaint or ask the Board of Trustees resolve it.

4.6 Formal complaints involving Library personnel reported to the City will in turn be reported, i.e., forwarded to the Chair of the Board of Trustees, who will then inform the entire Board. (ADM-126.1, Section 5.1.2).

4.7 Complaints concerning the Library Director may be filed with the Deputy Library Director, directly with the Library Trustees, the City, i.e., the Human Resources Director or the City Manager, the Federal Equal Employment Opportunity Commission and/or the NH Human Rights Commission.

4.8 A complaint filed against the Library Director with the City will be reported by the City Manager to the Board of Trustees for action.

4.9 Complaints concerning Library Trustees will be forwarded to the City Council for action. (ADM-126.1, Section 5.1.3)

4.10 Complaints may involve legal issues or other City policies, e.g., Ethics (ADM-108), Anti-Harassment, EEO, and Sexual Harassment (ADM-123.1). In such cases the Trustees will notify the appropriate city officials.

5. Complaints received by the Board of Trustees may be handled in the following ways:

5.1 The Trustees can choose to investigate a complaint internally (within the library). If it is suspected that the complaint may violate City policies or laws, the Trustees will report the complaint to the City Manager and/or Human Resources.

5.2 The Trustees can contact an investigator or company that is independent of the Board to investigate. If the complaint is determined to be exonerated (not in violation of City or Library policies or law), the Trustees may choose to contact an independent mediator to help resolve the basis of the complaint.

5.3 The Trustees can ask the City to investigate the complaint. The resulting report will be submitted to the Library Trustees to take appropriate action. If there are any legal violations, the City will report them to the appropriate authorities.

6. Procedures for conducting and documenting complaints:

6.1 Procedures for Informal Complaints

As noted above some informal complaints can be addressed verbally with the complainant and the employees or officials involved. If the matter isn't resolved between the parties, they may ask for assistance from Library administrators or the Trustees.

6.2 Procedures for Formal Complaints

Formal complaints will always require documentation as detailed below.

6.2.1. Complete a complaint form. To file with the City, use the following form: . To file a complaint internally, submit the following form: (pdf and/or online form links to follow). After submission, the complainant will receive confirmation of its receipt. The Board will discuss the complaint in a nonpublic session either before or at their next scheduled meeting.

6.2.2. The Board of Trustees will select one of the three options for resolution as outlined above in Section 5 and notify all involved parties of the formal complaint.

6.2.3. The Board-designated investigator(s) will conduct necessary interviews as appropriate and gather any other information relevant to the matter.

6.2.4. The investigator completes a memorandum outlining the complaint and the investigation to include the findings and provide the report to the

Board of Trustees to determine the appropriate action(s) if any are necessary to implement.

6.2.5. The Board of Trustees will notify affected employees of the results of the complaint process.

7. Findings of Investigations.

The person(s) assigned to investigate a complaint will submit their full findings to the Library Board of Trustees which shall include their recommendation of one of the following determinations:

7.1. Sustained- The complaint is substantiated by the evidence available.

7.2. Unfounded- The complaint is not factual.

7.3 Exonerated- There is evidence to indicate the incident occurred; however, the actions of the employee were lawful and not in violation of City or Library policy.

7.4 Not Sustained- The complaint is unsubstantiated based upon the evidence available.

8. If an investigation substantiates and sustains a complaint, appropriate corrective and/or disciplinary action will be taken by the Board of Trustees in consultation with Library administrators as appropriate. The Library will follow the guidelines for disciplinary action as presented in the City "Employee Handbook". Disciplinary action is the jurisdiction of the Trustees or the Library Director (if so delegated by the Trustees).

9. Findings relative to other Library or City policies.

Complaints regarding infractions or violations of other policies will follow the provisions of those policies to the extent they are not inconsistent with this policy. Such policy examples include ADM-108 Ethics, and ADM-123.1 Anti-Harassment, EEO, and Sexual Harassment.

10. Confidentiality.

The investigation of complaints or the conduct of an internal review involving Library employees, Library Director, City employees, City officials and Board of Trustees shall remain confidential. All information and documents regarding complaints and the investigation of those complaints shall remain confidential in accordance with the exemptions as proscribed in RSA 91-A, other related state/federal statutes as may be interpreted by state and federal courts. (ADM-126.1, Section 5.3.3)

11. Records and document retention.

Documents relating to complaints, the investigation of those complaints, findings and recommendations shall be maintained in accordance with records retention schedules under New Hampshire law, administrative rule or the City's record retention policies. (ADM-126.1, Sections 5.3, 5.3.1, 5.3.2)