

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMha06110489
EEOC NO. 24FA700048

BRIAN R. CLEM,
Complainant,

v.

COVINGTON-VEEDERBURG PUBLIC
LIBRARY,
Respondent.

CONSENT AGREEMENT

This Agreement between Brian R. Clem (hereinafter called "Complainant") and Respondent, Covington-Veedersburg Public Library (hereinafter called "Respondent"), is hereby entered into in full settlement of the complaint filed by Complainant with the Indiana Civil Rights Commission (hereinafter called "the Commission") as Docket No. EMha06110489, and charge filed with the U.S. Equal Opportunity Commission (hereinafter called "the EEOC") under its Charge Number 24FA700048, charging Respondent with unlawful discrimination on the basis of disability in employment.

The parties agree to and do settle the above matter as follows:

1. Complainant and Respondent shall forego their right to a Public Hearing before the Commission and trial before the United States Federal Court system on the issues raised by Complainant's above-referenced complaint and charge. The parties agree to waive their right to a formal determination by the Commission on matters which were or might have been alleged as charges settled by this Agreement. Furthermore, neither the Commission nor the EEOC waives its right to process any other charges filed against Respondent.

2. Complainant hereby waives any and all claims to remedies except as herein provided and covenants not to sue Respondent with respect to the matters, actions or circumstances which gave rise to the above-referenced complaint, subject to performance by Respondent of the promises and representations contained herein.

3. Complainant and Respondent agree that the Commission may review compliance with this Agreement.

4. The parties acknowledge that execution of this Agreement does not constitute any admission on the part of Respondent that it has violated any law or committed any wrongful acts, nor does it constitute any less belief in the correctness of the complaint filed by Complainant. Such execution only represents the parties' desire to settle and conciliate this matter without the necessity and burdens of a Public Hearing.

5. Respondent agrees that there will be no discrimination or retaliation of any kind against Complainant because of the filing of this complaint with the Commission and charge with the EEOC.

6. Respondent agrees that all of its current officers and directors shall take and complete a diversity training seminar, approved in advance by the Executive Director, addressing an employer's recognition, response and elimination of discrimination in the workplace. Said training shall be completed on or before December 31, 2008. Proof of successful completion will be provided to the Commission.

7. Respondent agrees to seal Complainant's records of all references to the complaint and charge herein resolved, of the incidents and circumstances which gave rise thereto, and of any disciplinary action that was taken as a result thereof. Respondent agrees that, in the event of any reference requests or inquiries by any third party,

Respondent shall not include in any reply, written or verbal, any reference to the sealed items or any general adverse references or evaluations of Complainant. Respondent further agrees to designate its official for purposes of a reference check, Respondent designates

Name: Regina George

Title: Director

Address: 622 Fifth Street, Covington, IN 47932

Telephone: 765-793-2572

as Respondent's official to provide reference information to third parties. Respondent also agrees to provide Complainant with a neutral letter of reference, the terms of which are attached herein and incorporated by reference as Exhibit A.

8. Respondent represents that it is and shall be the continuing policy of Covington-Veedersburg Public Library to actively recruit, hire, and promote qualified employees without regard to the race, color, sex, disability, religion, ancestry or national origin of the individual. This policy of non-discrimination shall encompass all aspects of the employer-employee relationship, including hiring, job assignments, upgrading, promotion, transfer, selection for training, discipline, rates of pay, and all other employment benefits.

9. Respondent has, and/or shall post and maintain, on those bulletin boards normally used to disseminate employee information, a bold print statement on equal employment opportunity.

10. Respondent has, and/or shall include a statement of non-discrimination in all of its employment handbooks distributed to its employees. A copy of that provision is attached and incorporated herein by reference as Exhibit B.

11. Complainant agrees to withdraw his complaint against Respondent pending before the Commission, and any other complaint, grievance or action of law regarding the issues herein resolved which he may have filed under Title VII of the Federal Civil Rights Act of 1964, as amended, or filed with the EEOC, or with any other tribunal having jurisdiction. Complainant agrees that this Agreement, when fully executed, shall constitute his request and motion for withdrawal of any such complaint, charge, grievance or action to any such tribunal or agency.

COMPLAINANT:

Brian R. Clem

Signature of Complainant

Brian R. Clem

Type or print name of Complainant

STATE OF Indiana)

) SS:

COUNTY OF Warren)

Before me, a Notary Public, in and for said County and State, personally appeared Brian R. Clem, and acknowledged the execution of the foregoing Consent Agreement, this 12 day of August, 2008.

Katie Sprague
Signature of Notary Public

KATIE SPRAGUE
Type or print name of Notary Public

County of Residence:

Warren


My Commission Expires:

9-14-2015

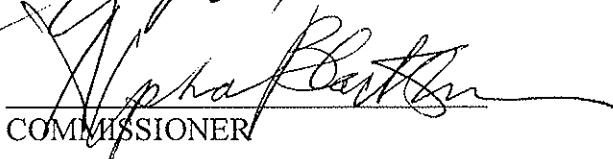
The foregoing Consent Agreement has been signed and entered as record before the Indiana Civil Rights Commission, this _____ day of _____, 20____.



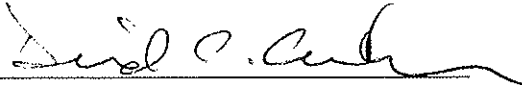
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

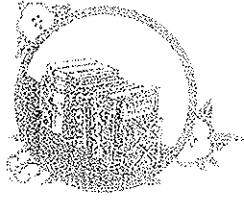
To be served either personally or by United States Mail, first class, postage pre-paid, upon the following parties and attorneys:

Brian R. Clem
13998 N 300 E
Covington, IN 47932

Covington-Veedersburg Public Library
622 5th Street
Covington, IN 47932

Mary J. Hoeller
The Virtual Law Office
One Indiana Square, Suite 2525
Indianapolis, IN 46204

Michael C. Healy
Staff Counsel
Indiana Civil Rights Commission
100 N. Senate Avenue, Room N103
Indianapolis, IN 46204



COVINGTON-VEEDERSBURG PUBLIC LIBRARY

322 Fifth Street • Covington, IN 47332-1137 • Phone & Fax: TEL: 765-2672

Exhibit A

To Whom It May Concern:

Brian R. Clem was employed by the Covington-Veedersburg Public Library between February 28, 2006 and August 25, 2006 as an as needed part time employee.

His job duties included performing library circulation duties such as checking materials in and out of the library, reserving and renewing materials, assisting patrons using library computers, answering phone calls, sending faxes, making copies, and shelving items that had been returned to the library.

Sincerely,

Regina George, Director

Covington-Veedersburg Public Library is committed to providing its employees with a work environment that is free from discrimination and harassment of any kind, including harassment based on an individual's race, color, religion, sex, national origin, age, disability, or other protected basis. The library strictly prohibits, and will not tolerate in any fashion, harassment of any library employee by another library employee regardless of position or authority. Similarly, the Covington-Veedersburg Public Library will not tolerate harassment of its customers and of its employees by any customer or other third party.

Prohibited harassment occurs when an individual is subjected to verbal or physical conduct that defames or shows hostility toward the individual because of his or her race, color, religion, sex, national origin, age, disability, or other protected basis, including the fact that such individual has made a complaint of discrimination or harassment, has participated in the investigation of any such complaint, or dues to such individual's association, friendship, or relationship with any person protected by applicable law. Prohibited harassment also includes conduct that (1) creates or is intended to create an intimidating, hostile, or offensive work environment; (2) interferes or is intended to interfere with the individual's work environment or performance; or (3) otherwise adversely affects the individual's employment.

Example of such harassment includes, but is not limited to:

- Using or making reference to epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, which relate to race, color, religion, sex, national origin, age, disability or some other protected status.
- Publication or circulation of any written or graphic material that defames or shows hostility or aversion toward an individual or group because of their race, color, religion, sex, national origin, age, disability or other protected status.

This policy's prohibition against harassment specifically includes sex-based and sexual harassment. Sexual harassment occurs when unwelcome conduct of a sexual nature becomes a condition of an employee's continued employment or creates an intimidating, hostile, or offensive working environment.

Examples of sexual and sex-based harassment include, but is not limited to the following:

- Requests for sexual favors (whether explicitly or implicitly);
- Unwanted physical contact of any nature, including touching, rubbing, pinching or brushing the body;
- Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats;

- Non-verbal conduct, such as display of sexual suggestive objects or pictures, leering, whistling, or obscene gestures; and,
- Acts of physical aggression, intimidation, hostility, threats, or unequal treatment based on sex (even if not sexual in nature).

Any employee who believes he or she has been harassed in any way in violation of this policy should report the conduct immediately to his or her supervisor. If that person is unavailable or somehow responsible for the harassment, the employee should report the conduct directly to the library director. The employee always has the option of reporting the conduct directly to the president of the Board of the Library if he or she prefers.

All reports will be treated seriously and confidentially to the extent reasonably possible. The library will not itself take or allow any one else to take an adverse action against an employee because he or she has reported, or participated in the investigation of legitimate concerns of possible discrimination or harassment. The library will immediately conduct a thorough and impartial investigation of all complaints received and such investigations will be conducted in a timely and confidential manner. Upon the conclusion of its investigation, the library will advise the complaining employee of its findings as well as any steps taken to prevent further violations.

The Covington-Veedersburg Public Library's board and managers are responsible for the administration of this policy. Should any manager or supervisor learn of a violation of this policy, he or she is expected to take whatever steps are necessary to prevent further harm to the affected employee and immediately report the conduct to the Director or president of the Board for a full and prompt investigation. Failure to report such conduct will be considered a violation of this policy and will subject the Director or manager to disciplinary action, up to and including discharge.

Any employee suspected of engaging in harassing or retaliatory conduct of any nature in violation of this policy after reasonable investigation will be subject to disciplinary action, up to and including immediate termination.