

NO HARASSMENT POLICY

It is the policy of the legislature to establish and maintain for its employees a working environment free from all forms of harassment or discrimination, including sexual harassment that affects or impacts work performance or creates a hostile work environment.

Harassment

Harassment is any improper behavior that is offensive to any other person or group of persons and that the person engaging in the behavior knew or should have known would be unwelcome and is generally based on race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, physical or mental handicap or serious medical condition, or spousal affiliation. Harassment generally involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, degrading or that causes offense, discomfort, or personal humiliation or embarrassment to a person or group of persons. Harassment can include such behavior as slurs, demeaning jokes or comments, innuendoes, unwelcome compliments, use of racial epithets or racially offensive words or phrases communicated in any language, cartoons, pictures, pranks, hazing, stereotypical comments, derogatory descriptions or other verbal, nonverbal or physical conduct. It is not necessary that the behavior be intentional to be considered harassment. Harassment can be a single serious incident or a series of incidents over time.

Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by law. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment;
2. submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting that person; or
3. such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

Examples of Sexual Harassment:

Verbal — Demands for sexual favors, sexual innuendos, suggestive comments, use of sexually offensive words or phrases in any language, jokes of a sexual nature, sexual propositions, teasing and threats.

Nonverbal — Sexually suggestive objects or pictures, sexually graphic printed material, suggestive or insulting sounds, leering, whistling and obscene gestures.

Physical — Touching, pinching, hugging, patting and brushing up against someone.

Complaint Procedure

If you believe you have been harassed by a supervisor, manager, co-worker, legislator, lobbyist, vendor, visitor or other outside party in the workplace, or if you believe you have observed harassment in the workplace, you are encouraged to identify the offensive behavior and request that it stop. If you are unable to address the matter directly to the harasser or if you do and the behavior continues, you should report the behavior to your agency director or chief clerk. If for any reason you are not comfortable reporting your complaint to your agency director or chief clerk, you should report your complaint to the director of one of the other legislative agencies, e.g., the Legislative Council Service, Legislative Education Study Committee or Legislative Finance Committee, or the other chief clerk.

All complaints will be investigated by the director or chief clerk to whom the complaint was made, or by the director's or chief clerk's designee, promptly, impartially and discreetly. Confidentiality will be respected to the greatest extent possible. Upon completion of the investigation, the appropriate parties will be notified of the findings. Immediate corrective action will be taken against any person, including a non-employee, who is found to have engaged in harassing behavior. Such action may include pursuing immediate sanctions against non-employees and imposing disciplinary measures, up to and including termination, on employees.

The legislature views harassment as a serious offense that carries serious penalties. Therefore, false accusations of harassment will not be tolerated. This statement is not intended to discourage any person from coming forward with any complaint. Some claims may be difficult to prove or support, or may not in fact be found to rise to the level of seriousness necessary to constitute harassment. These are not the types of claims considered to be false accusations. Instead, anyone found to have purposefully and intentionally brought allegations that the person knows to be untrue will be deemed to have made false accusations and will be subject to immediate disciplinary action, up to and including termination.

No Retaliation

The legislature prohibits any retaliation against any employee or other person who reports a concern about harassment or other inappropriate behavior.