

## Vermont House of Representatives Policy for the Prevention of Discrimination

It is the policy of the Vermont House of Representatives to provide a professional working environment free from discrimination. The House of Representatives prohibits both discrimination and retaliation for reporting discrimination or cooperating in an investigation of discrimination.

The House of Representatives has established a ~~Prevention of Discrimination~~ Prevention Panel pursuant to House Rule 90(a). The Panel shall investigate and adjudicate complaints in a manner that is fair, expeditious, and nonpartisan. This Policy for the Prevention of Discrimination (Policy) has been adopted by the House Panel and shall serve as the Policy for the House of Representatives.

This Policy regulates and sets standards concerning the conduct of Representatives and all staff who work for the House, ~~including staff of the Office of Legislative Counsel, the Joint Fiscal Office, the Office of Legislative Information Technology, the Office of Legislative Operations, and the Office of the Sergeant at Arms~~ (Regulated Individuals). This Policy is intended to protect legislators; staff; legislative pages and interns; and members of the public, including lobbyists, advocates, and members of the press, who experience discrimination attributable to Regulated Individuals.

### Definition and Examples of Prohibited Behavior

#### Discrimination

Discrimination in the workplace is illegal and all employers have an obligation to ensure a workplace free of discrimination. Discrimination means the unfair or unequal treatment of an individual based on a protected characteristic. Discrimination includes conduct that limits, segregates, or classifies an individual based on a protected characteristic in a manner that would deprive or tend to deprive the individual of opportunities related to ~~their~~ the individual's work in the State House or that would otherwise adversely affect ~~their~~ the individual's status in relation to the individual's work in the State House. Discrimination also includes workplace harassment.

#### Protected Characteristic

Protected characteristic means an individual's race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition.

#### Workplace Harassment

Workplace harassment is a form of discrimination and means unwelcome conduct related to or directed toward an individual on the basis of a protected characteristic. Workplace harassment may be verbal, physical, auditory, written, or visual, or a combination thereof. It may be subtle or overt. Workplace harassment includes not only conduct that is unwelcome but also conduct that ~~may be~~ is personally offensive, ~~fail~~ fails to respect the rights of others, ~~lower~~ lowers morale, ~~interfere~~ interferes with work ~~effectiveness~~, or ~~violate~~ violates a person's sense of well-being. Workplace harassment does not include

petty slights, minor annoyances, or disappointments that an individual may encounter during **their the individual's** time in the State House. Workplace harassment may occur in situations in which one person has authority, or the appearance of authority, over another. Harassment may also occur between persons who are equal in terms of authority, or the appearance of authority, or between a person who has, or appears to have, less authority and another person who has, or appears to have, greater authority. The victim does not have to be the person toward whom the offensive conduct is directed but can be anyone affected by the offensive conduct.

Examples of discrimination and workplace harassment include the following when the acts or conduct relate to one or more actual or perceived protected characteristics of an individual and fall within the above definitions:

- unwanted or offensive jokes;
- slurs, epithets, or name-calling;
- mimicking or imitating the characteristics of an individual;
- hazing an individual;
- physical assaults or threats against an individual;
- intimidation, ridicule, or mockery;
- insulting or putting down an individual;
- offensive objects or pictures;
- retaliation of any kind for having filed or supported a complaint of discrimination (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's duties or work environment);
- derogatory or provocative remarks;
- interference with an individual's work **performance**; and
- off-duty conduct that falls within the above definitions and affects the legislative work environment.

### **Procedures and Confidentiality Reporting and Responding to Discrimination**

Individuals who believe that a Regulated Individual has discriminated against them or who have witnessed unwelcome behavior by a Regulated Individual that they believe is a violation of this Policy have a range of options for resolution under this Policy. An individual may:

**Identify objectionable conduct.** An individual has a right to identify objectionable conduct to the individual who engaged in that conduct and to ask that individual to stop. However, an individual is not required or expected to do so, and there is no requirement or expectation that an individual will identify objectionable conduct to the Regulated Individual before pursuing other options for resolution.

**Contact the Panel.** An individual may contact any member of the Panel regarding a Regulated Individual that the individual believe may have engaged in discrimination. Any individual may request that the Panel attempt to resolve the issue informally. An individual who believes that a Regulated Individual has discriminated against the

individual or retaliated against the individual, may also file a formal complaint with the Panel. The Panel has a legal obligation to ensure that the House is a professional working environment free from discrimination and to take immediate and appropriate action to ensure that conduct that violates this Policy does not continue.

**Contact a supervisor.** An individual may contact the individual's supervisor regarding any conduct that the individual believes may be a violation of this Policy, regardless of whether the individual engaging in that conduct is a Regulated Individual. All supervisors have a legal obligation to provide a professional working environment free from discrimination and to take immediate and appropriate action to ensure that discriminatory conduct does not continue.

**Contact the Office of Legislative Human Resources.** An individual may contact the Office of Legislative Human Resources regarding any conduct that the individual believes may be a violation of this Policy, regardless of whether the individual engaging in that conduct is a Regulated Individual. The Office of Legislative Human Resources has a legal obligation to ensure that the General Assembly is a professional working environment free from discrimination and to take immediate and appropriate action to ensure that discriminatory conduct does not continue.

~~Each of these options is described in greater detail below.~~ In addition, an individual may pursue other avenues outside this Policy as set forth in the final section of this Policy (Other Resources). An individual may choose to pursue, or not pursue, one or more of these options. For example, ~~although an individual may identify objectionable conduct to a Regulated Individual, there is no requirement or expectation to do so.~~ Similarly, an individual is not required to contact a Panel member informally before filing a formal written complaint.

However, there is an exception when any Regulated Individual witnesses or is made aware of discriminatory acts committed against any individual who is, or appears to be, under 18 years of age. Under these circumstances, the Regulated Individual shall immediately inform the Chief of the Capitol Police Department and the Sergeant at Arms of the discrimination.

Members of the Panel, legislative supervisors, and the Office of Legislative Human Resources shall keep confidential any information reported to them pursuant to this Policy and any information obtained during an investigation carried out pursuant to this Policy, except to the extent necessary to carry out an investigation, to enforce the provisions of this Policy, and to ensure that discriminatory conduct does not continue.

### **Contact Information for House Discrimination Prevention Panel**

Rep. Mari Cordes, Chair  
[mcordes@leg.state.vt.us](mailto:mcordes@leg.state.vt.us)

Rep. John Killacky

[jkillacky@leg.state.vt.us](mailto:jkillacky@leg.state.vt.us)

Rep. Christopher Mattos  
[cmattos@leg.state.vt.us](mailto:cmattos@leg.state.vt.us)

Rep. Kelly Pajala  
[kpajala@leg.state.vt.us](mailto:kpajala@leg.state.vt.us)

Rep. Taylor Small  
[tsmall@leg.state.vt.us](mailto:tsmall@leg.state.vt.us)

### **Contact Information for House Supervisors**

Jill Krowinski, Speaker of the House  
[jkrowinski@leg.state.vt.us](mailto:jkrowinski@leg.state.vt.us)

BetsyAnn Wrask, Clerk of the House  
[bwrask@leg.state.vt.us](mailto:bwrask@leg.state.vt.us)

### **Contact Information for Office of Legislative Human Resources**

Arlene Donovan, Director of Human Resources  
[adonovan@leg.state.vt.us](mailto:adonovan@leg.state.vt.us)

Eliza Giroux, Human Resources Generalist  
[egiroux@leg.state.vt.us](mailto:egiroux@leg.state.vt.us)

### **Potential Penalties for Engaging in Discrimination**

If the Panel finds that there is clear and convincing evidence that a violation of this Policy occurred, the Panel shall impose or recommend corrective action as follows:

(a) If the Regulated Individual is a Representative, corrective action may include counseling or training, removal from a committee or committee leadership, censure, or expulsion from the House.

(b) If the Regulated Individual is the House Clerk, corrective action may include counseling or training, censure, or removal.

(c) If the Regulated Individual is an employee of the Speaker or the House Clerk, recommended corrective action may include counseling or training, reprimand, loss of pay or vacation days, demotion, or termination.

### **Interns, Staff, and Volunteers Who Work for a Representative**

Any Representative who employs an intern or staff person or accepts the services of a volunteer to do legislative work shall provide the Sergeant at Arms with the name, address, and contact information for that person. If the intern, staff person, or volunteer is a minor, the Representative shall also provide the name, address, and contact information for the parent(s) or guardian(s) and shall provide additional information as the Sergeant at Arms requires.

The Sergeant at Arms shall provide every intern, staff person, or volunteer with a copy of this Policy ~~and with contact information for the Chair of the Panel~~ and shall ensure that the individual understands how to report discrimination. If the intern, staff person, or volunteer is a minor, the Sergeant at Arms shall also provide a copy of the Policy ~~and contact information for the Chair of the Panel~~ to the minor's parent(s) or guardian(s).

The Sergeant at Arms shall provide the name, address, and contact information of all interns, staff persons, and volunteers and the contact information for their parent(s) or guardian(s), if applicable, to the Speaker.

### **Training and Information**

The Speaker and the Chair of the Panel shall ensure that Regulated Individuals receive training on this Policy. That training shall be open to members of the public, including lobbyists, advocates, and members of the press who may work in or be present in the State House. This Policy shall be posted on the General Assembly's website. ~~Members of the Panel may receive additional training to assist them in carrying out their responsibilities.~~

### **Other Resources**

The Panel is authorized to appoint up to three members of the House to serve as Discrimination Prevention Facilitators (Facilitators) for the purpose of providing information about this Policy to members and staff on a confidential basis without initiating either the informal or formal Panel processes. ~~A Complainant or Witness A person~~ may communicate confidentially with a Facilitator at any time regarding the ~~member's person's~~ options for resolution under this Policy. ~~The names and contact information for the facilitators is below:~~

~~Rep. ????~~

~~Rep. ????~~

~~Rep. ????~~

A person who pursues any of the options for resolution under this Policy does not give up the right to pursue other remedies provided by law. This Policy is not intended to preclude a person from hiring a private attorney, pursuing legal remedies, or making a complaint to:

- The Equal Employment Opportunity Commission (EEOC), John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203, tel. (800) 669-4000.
- The Vermont Human Rights Commission, 14–16 Baldwin St., Montpelier, VT 05633, tel. (800) 416-2010.
- The Vermont Attorney General, Civil Rights Unit, 109 State St., Montpelier, VT 05609, tel. (802) 828-3657.
- The Vermont State Ethics Commission, 6 Baldwin St., Room 315, Montpelier, VT 05633, tel. (802) 828-7187.

Each of these agencies may conduct impartial investigations, facilitate conciliation, or pursue litigation in State or federal court, as appropriate. Individuals are not required to file a complaint pursuant to this Policy before contacting or filing a charge with one of these agencies or before hiring an attorney to pursue a civil action in court.