

Vermont House of Representatives Policy for the Prevention of Sexual Harassment

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

The House of Representatives has established a Prevention of Sexual Harassment Panel pursuant to House Rule 90(c), and the Senate has established a similar Panel pursuant to Senate Rule 101. A joint panel, composed of members of the House and Senate panels, has jurisdiction over staff from legislative offices that are not specifically dedicated to either chamber. The panels investigate and adjudicate complaints in a manner that is fair, expeditious, and nonpartisan.

This Policy sets standards concerning and regulates the conduct of Representatives and all staff who work for the Speaker of the House and the House Clerk (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 sexual harassment attributable to Regulated Individuals.

Definition and Examples of Sexual Harassment

Sexual harassment is a form of discrimination based on sex, sexual orientation, or gender identity. Sexual harassment in the workplace is illegal and all employers have an obligation to ensure a workplace free of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

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

Sexual harassment may take many forms, including verbal, physical, auditory, or visual, or a combination thereof, and may be communicated by any means. It may be subtle or overt. Sexual harassment refers not only to conduct that is unwelcome, but also to conduct that may be personally offensive, or that fails to respect the rights of others, lowers morale, interferes with work, or violates a person's sense of well-being. Persons of all genders and gender identities may be the victims and perpetrators of sexual harassment, and sexual harassment may occur in instances where the parties are, or are perceived to be, of the same or different genders or gender identities. Sexual 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 less, or appears to have less, authority and another person who has, or appears to have, greater authority.

Examples of sexual harassment include the following when the acts or conduct falls within the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties, or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated or it is known or should be known that the physical contact is unwelcome;
- continuing to ask a person to socialize on or off duty when that person has indicated a lack of interest;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, posters, or other visual matter if it is known or should be known that the conduct is unwelcome;
- writing sexually suggestive notes, letters, e-mails, text messages, or other communications, or verbally engaging in a sexually suggestive manner if it is known or should be known that the person does not welcome the conduct;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome the conduct;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome the conduct;
- retaliation of any kind for having filed or supported a complaint of sexual harassment, or for having participated in an investigation of alleged sexual harassment (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 about or relating to a person's actual or perceived sex, sexual orientation, or gender identity;
- harassing acts or conduct directed against a person based on the person's actual or perceived sex, sexual orientation, or gender identity; and
- off-duty conduct that falls within the above definitions and affects the legislative work environment.

Reporting and Responding to Sexual Harassment

Persons who believe that a Regulated Individual has sexually harassed them or who have witnessed behavior by a Regulated Individual that they believe is a violation of this Policy have a range of options for resolution under this Policy. A person may:

Identify objectionable conduct. A person has a right to identify objectionable conduct to the individual who engaged in that conduct and to ask that individual to stop. However, a person is

not required or expected to do so and there is no requirement or expectation that a person will identify objectionable conduct to the Regulated Individual before pursuing other options for resolution.

Contact the appropriate panel. A person may contact any member of the panel with jurisdiction over a Regulated Individual (see Addendum A: Jurisdiction of Panels) who they believe may have engaged in sexual harassment. Any person may request that the panel attempt to resolve the issue informally. A person who believes that a Regulated Individual has sexually harassed the person or retaliated against the person may also file a formal complaint with the panel. Each panel has a legal obligation to ensure that the General Assembly is a work environment free from sexual harassment and to take immediate and appropriate action to ensure that conduct that violates this Policy does not continue.

Contact a supervisor. An employee of the General Assembly may contact the employee's supervisor regarding any conduct that the employee 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 work environment free from sexual harassment and to take immediate and appropriate action to ensure that sexually harassing conduct does not continue.

Contact the Office of Legislative Human Resources. A person may contact the Office of Legislative Human Resources regarding any conduct that the person 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 work environment free from sexual harassment and to take immediate and appropriate action to ensure that sexually harassing conduct does not continue.

In addition to the options set forth above, a person may pursue other avenues outside this Policy as set forth in the final section of this Policy (Other Resources). A person may choose to pursue, or not pursue, one or more of these options. For example, 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 sexual harassment committed against any person 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 sexual harassment.

Members of the House 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 sexually harassing conduct does not continue.

Potential Penalties for Engaging in Sexual Harassment

If the House 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. The Panel shall impose or recommend corrective action pursuant to applicable policies and the House Rules.

(b) If the Regulated Individual is the House Clerk, corrective action may include counseling or training, censure, or removal. The House Panel shall recommend appropriate corrective action to the House Rules Committee. The House Rules Committee shall determine the appropriate action and may propose a resolution for House consideration imposing that action.

(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. The House Panel shall meet with the Speaker or House Clerk, as applicable, and shall present its findings and recommendation for corrective action. The Speaker or House Clerk, as applicable, shall impose appropriate corrective action in consultation with the Office of Legislative Human Resources.

The policies for the Senate and the legislative staff offices provide similar consequences for individuals who engage in conduct that violates those policies.

Interns, Staff, and Volunteers Who Work for a Representative

Any Representative who employs an intern or a 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 shall ensure that the person understands how to report sexual harassment. If the intern, staff person, or volunteer is a minor, the Sergeant at Arms shall also provide a copy of the Policy 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.

Other Resources

The House Panel is authorized to appoint up to three members of the House to serve as Sexual Harassment Prevention Facilitators (Facilitators) for the purpose of providing information about this Policy to other members on a confidential basis without initiating either the informal or formal Panel processes. A person may communicate confidentially with a Facilitator at any time regarding the person's options for resolution under this Policy. The names and contact information for the facilitators, if any, are included in an addendum to this Policy.

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 making a complaint to one of these agencies or before hiring an attorney to pursue a civil action in court.

Addendum A
Jurisdiction of Panels

The House or Senate Panel shall investigate and adjudicate the conduct of Regulated Individuals as set forth in the chart below. Any complaints concerning the conduct of employees of the Joint Fiscal Office, the Office of Legislative Human Resources, the Office of Legislative Counsel, the Office of Legislative Information Technology, the Office of Legislative Operations, or the Office of the Sergeant at Arms shall be adjudicated by a Joint Panel composed of the Chair of the House Panel, two members of the House Panel to be chosen by the Chair, the Chair of the Senate Panel, and two members of the Senate Panel to be chosen by the Chair.

Adjudication of Complaints		
Respondent	Complainant	Panel
Representative, staff of Speaker’s office or Clerk’s office	Representative, staff from any office, or member of public	House
Senator, staff of President Pro Tempore’s office or Secretary’s office	Senator, staff from any office, or member of public	Senate
Representative	Senator	House
Senator	Representative	Senate
Staff in the Joint Fiscal Office, the Office of Legislative Human Resources, the Office of Legislative Counsel, the Office of Legislative Information Technology, the Office of Legislative Operations, or the Office of the Sergeant at Arms	Representative, Senator, staff from any office, or member of public	Joint

Addendum B
Names and Contact Information

House Sexual Harassment Prevention Panel

Rep. Mollie Burke, Chair
mburke@leg.state.vt.us

Rep. Tiffany Bluemle
tbluemle@leg.state.vt.us

Rep. Martha Feltus
mfeltus@leg.state.vt.us

Rep. Patricia McCoy
pmccoy@leg.state.vt.us

Rep. Michael Mrowicki
mmrowicki@leg.state.vt.us

House Supervisors

Rep. Jill Krowinski, Speaker of the House
jkrowinski@leg.state.vt.us

BetsyAnn Wrask, Clerk of the House
bwrask@leg.state.vt.us

Office of Legislative Human Resources

Arlene Donovan, Director of Human Resources
adonovan@leg.state.vt.us

Eliza Giroux, Human Resources Generalist
egiroux@leg.state.vt.us

Addendum C
Sexual Harassment Prevention Facilitators