

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 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 (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 a person based on a protected characteristic. Discrimination includes conduct that limits, segregates, or classifies a person based on a protected characteristic in a manner that would deprive or tend to deprive the person of opportunities related to the person's work in the State House or that would otherwise adversely affect the person's status in relation to the person's work in the State House. Discrimination also includes workplace harassment.

Protected Characteristic

Protected characteristic means a person'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 a person on the basis of a protected characteristic. Workplace harassment may take many forms, including be verbal, physical, auditory, or visual, or a combination thereof, and may be communicated by any means. It may be subtle or overt. Workplace harassment includes not only conduct that is unwelcome but also conduct that is personally offensive, fails to respect the rights of others, lowers morale, interferes with work, or violates a person's sense of well-being. Workplace harassment need not be severe or pervasive to be a violation of this policy. However, workplace harassment does not include petty slights, minor annoyances, or disappointments that a person may

encounter during the person'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 a person and fall within the above definitions:

- unwanted or offensive jokes;
- slurs, epithets, or name-calling;
- mimicking or imitating the characteristics of a person;
- hazing a person;
- physical assaults or threats against a person;
- intimidation, ridicule, or mockery;
- insulting or putting down a person;
- 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 a person's work; and
- off-duty conduct that falls within the above definitions and affects the legislative work environment.

Reporting and Responding to Discrimination

Persons 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. 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 Panel. A person may contact any member of the Panel regarding a Regulated Individual that the person believes may have engaged in discrimination. Any person may request that the Panel attempt to resolve the issue informally. A person who believes that a Regulated Individual has discriminated against the person, or retaliated against the person, may also file a formal complaint with the Panel. The Panel has a legal

obligation to ensure that the House is a work 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 employee 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 discrimination and to take immediate and appropriate action to ensure that discriminatory conduct does not continue.

Contact the Office of Legislative Human Resources. An employee may contact the Office of Legislative Human Resources 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. The Office of Legislative Human Resources has a legal obligation to ensure that the General Assembly is a work environment free from discrimination and to take immediate and appropriate action to ensure that discriminatory conduct does not continue.

In addition, 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, a person 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 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 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.

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 shall ensure that the person 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 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 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 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. Persons are not required to file a complaint pursuant to this Policy before contacting or making a complaint with one of these agencies or before hiring an attorney to pursue a civil action in court.

Contact Information for House Discrimination Prevention Panel

Rep. Mari Cordes, Chair
mcordes@leg.state.vt.us

Rep. John Killacky
jkillacky@leg.state.vt.us

Rep. Christopher Mattos
cmattos@leg.state.vt.us

Rep. Kelly Pajala
kpajala@leg.state.vt.us

Rep. Taylor Small
tsmall@leg.state.vt.us

Contact Information for House Supervisors

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

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

Contact Information for 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