



HOUSE of REPRESENTATIVES

STATE OF MICHIGAN

Guidelines and Policies

Human Resources
Revised: February 26, 2018

HARASSMENT
HUM 01.04

I. **INTENT** - It is the intent of the Michigan House of Representatives to create and maintain a work environment free from harassment for Representatives, employees and other persons covered by this policy. Accordingly, all Members and employees of the Michigan House of Representatives must attend a harassment training class annually. Additional training specific to management staff is required for employees with supervisory responsibility or who have meaningful input on employment decisions.

II. **ANTI-HARASSMENT/ANTI-RETALIATION POLICY** - Harassment based on an individual's religion, race, color, national origin, age, sex, height, weight, disability, familial status, marital status, and/or any other legally protected characteristic is prohibited.

Retaliation against an individual who complains of discriminatory harassment under this policy is prohibited.

Intentionally making a knowingly false accusation of harassment is strictly prohibited.

The House will not tolerate harassment, retaliation, or the making of false accusations of harassment.

III. **DEFINITION** - For purposes of this policy, "harassment" is defined as behavior including, but not limited to, written, verbal, and nonverbal communication, gestures, and/or physical contact directed at another person based on his/her religion, race, color, national origin, age, sex, height, weight, disability, familial status, marital status, and/or any other legally protected characteristic.

Such behavior constitutes "harassment" for purposes of this policy if it is unwanted and inappropriate and so severe that it has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment.

Sexual Harassment

Sexual harassment is an unlawful employment practice that is outlawed by Title VII of the Civil Rights Act of 1964, as amended, 42 USCA 2000e et seq., and by the Elliott-Larsen Civil Rights Act, as amended, MCLA 37.2103(h).



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The Elliott-Larsen Civil Rights Act defines sexual harassment as:

"... discrimination because of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, ...
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, ...
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment ... environment."

- IV. **SCOPE OF POLICY** - This policy covers any activity which involves House of Representatives business, including activities which are conducted in any building under the control of the House or which might occur at any event, meeting, seminar, conference, or other gathering sponsored by the House or the Representatives, or any gathering which is attended by Representatives, employees, or other covered persons for any legislative purpose.
- V. **PERSONS COVERED** - All Representatives and all employees (regular and temporary, full-time and part-time, and contractual) are covered by this policy. All interns, volunteers, persons having business with the House and members of the public while participating in legislative business are also covered. (The use of the term "employee" in this policy shall include Representatives, full-time employees, part-time employees, interns, volunteers, persons having business with the House, and members of the public while participating in legislative business.)
- VI. **REPORTING PROCEDURE** - If you are a Representative, employee, or other covered person and you believe that you have been subjected to or are being subjected to harassment, you are encouraged to talk to your immediate supervisor about the incident(s).



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If you are a Representative, employee, or other covered person and you believe that someone else who is a Representative, employee, or other covered person has been subjected to or is being subjected to harassment, you may report it to your immediate supervisor. However, the House has no duty to act upon a complaint of harassment not made or confirmed by the alleged victim, and may use its discretion in responding to or not responding at all to any such complaint.

If you would prefer *for any reason* to talk to someone other than your immediate supervisor, then you are encouraged to talk to any of the following persons about the incident(s):

- House Business Director
- Majority Chief of Staff
- General Counsel
- Minority Chief of Staff
- Minority Legal Counsel

If you choose to talk to your supervisor, your supervisor will, immediately after your discussion with him or her, contact the House Business Director. Likewise, Chiefs of Staff and Legal Counsel receiving complaints will also immediately contact the House Business Director.

If you need immediate protection and/or intervention, the House Business Director will consult with the appropriate Legal Counsel to provide that to you as quickly as possible.

Complaints of harassment will be treated as confidential to the fullest extent possible within the bounds of the House's duty to respond appropriately and to address completely and fairly all allegations of harassment.



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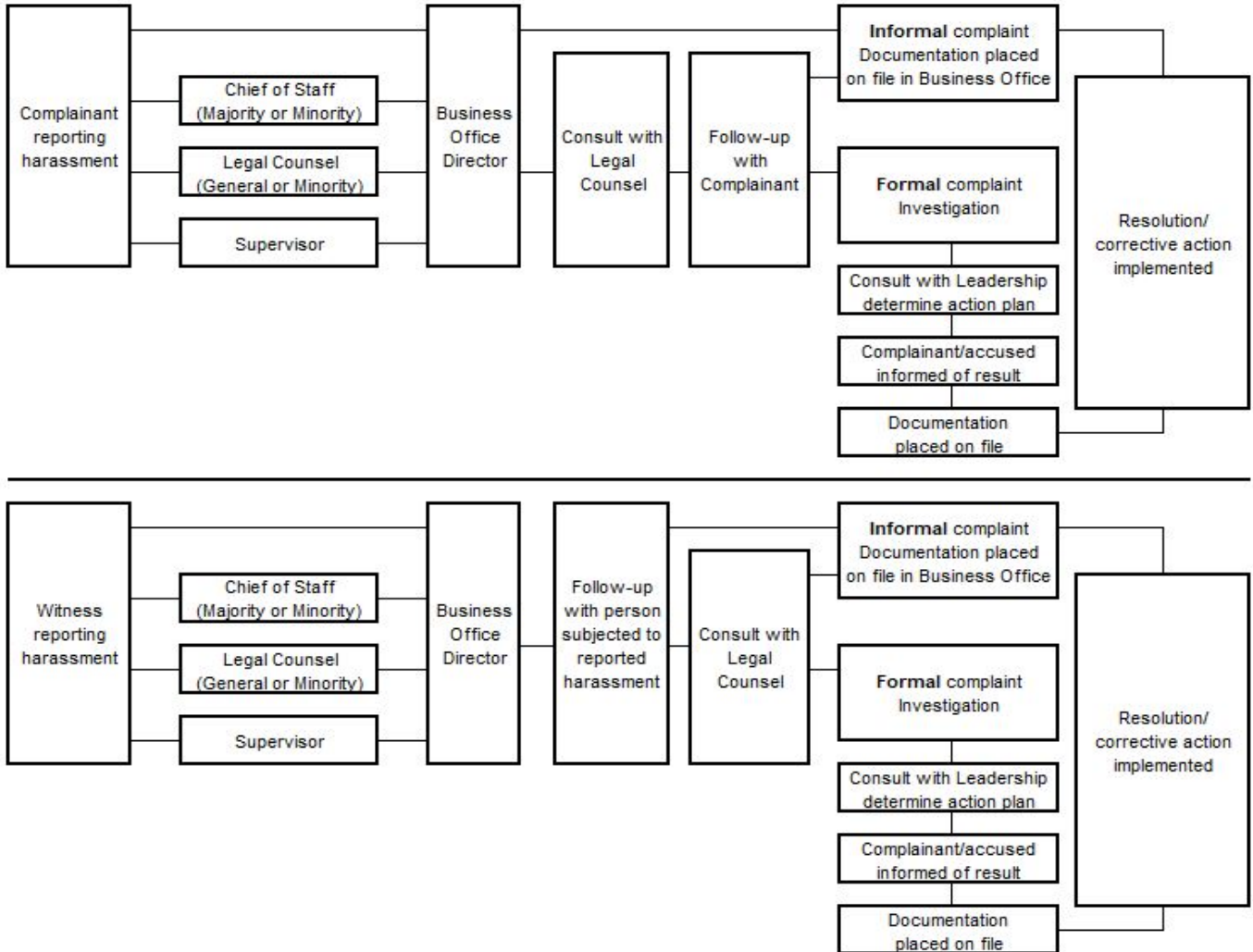
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Reporting Procedure (Illustrated)



If you believe you have been the victim of a crime or if you witnessed a crime you should contact law enforcement.



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VII. INVESTIGATION

A. Legal Counsel

After receiving notice of alleged harassment, the House Business Director will conduct an investigation into the matter with the assistance of the appropriate Legal Counsel. The Legal Counsel to be chosen for the investigation is within the sole discretion of the House Business Director.

B. Notice

Whenever it is deemed necessary in order to complete a proper investigation, the House Business Director and Legal Counsel will notify the Chief of Staff and Legal Counsel of the party of the alleged harasser. In all cases of alleged harassment, the Business Director will notify the Majority Chief of Staff and General Counsel.

C. Investigation Procedure

The investigation will be conducted in a prompt, thorough, and impartial manner, and shall include:

1. Interviewing the complainant, all witnesses identified, the alleged harasser, and any other persons who may provide further information;
2. Reviewing any documentary or other evidence provided by the complainant;
3. Completing the investigation and submitting a written summary of the evidence and determination of the validity of the allegations within 20 business days of the initial notice of alleged harassment.

Upon completion of the investigation, the House Business Director and Legal Counsel will consult with the appropriate Chief of Staff and Leader to determine an appropriate resolution and/or corrective action if necessary.



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The complainant and the alleged harasser will be informed of the results of the investigation and the intended plan for resolution and/or corrective action if necessary.

- VIII. **DOCUMENTATION** – Incidents of harassment reported under this policy are placed on file in the House Business Office and kept according to the Retention and Disposal Schedule as approved by the State Administrative Board.
- IX. **NO EXPANSION OF EXISTING LAW** - Nothing in this policy is intended to expand the current state of the law as applicable to the Michigan House of Representatives, its Representatives, and employees. Any statement of the law herein which constitutes or may be interpreted to be an expansion of the current law, both Michigan and federal, on harassment and discrimination is unintended, and the House specifically disclaims any such expansion.