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## **CHAPTER 3: RESPECTFUL WORKPLACE**

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The House of Representatives respects the dignity and value of each employee and member. The House is committed to creating and maintaining a diverse work environment that is free from discrimination and harassment, and where all people are treated, and are expected to treat others, with dignity and respect. The House does not condone or tolerate discriminatory, harassing, retaliatory, intimidating, offensive, or disrespectful conduct prohibited by this policy.

The House seeks to foster a safe environment to report potential violations of this policy and considers such reporting to be a benefit to the organization. Recognizing the unique power dynamics of the legislative environment, the House will use the process in this chapter to address allegations of violations of this policy. The House will handle complaints in a manner that is apolitical, impartial, prompt, thorough, and respectful. The process will be as discrete and transparent as practical. To prevent inappropriate conduct from occurring, the House will provide regular mandatory training to employees and members.

### **A. APPLICATION OF POLICY**

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This policy covers and protects all employees and members of the House participating in the legislative community and engaging in the business of the House, both on and off the capitol campus. Behavior that does not rise to the level of unlawful conduct under federal, or state law may still violate this policy.

### **B. PROHIBITED CONDUCT**

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The House prohibits discrimination and harassment based on a person's protected status, abusive behavior and bullying regardless of the basis for the conduct, and retaliation. Prohibited conduct is described in more detail in this part B.

Prohibited conduct exists in the workplace when: (1) submission to the conduct is either explicitly or implicitly a term or condition of current and future employment; (2) submission to or rejection of the conduct is used as the basis of an employment decision affecting an individual; or (3) the conduct unreasonably interferes with the individual's job performance or creates a work environment that is hostile, intimidating, or offensive.

Violations of this policy will result in appropriate corrective or disciplinary action as specified in part F of this chapter.

#### **1. DISCRIMINATION AND HARASSMENT**

The House prohibits discrimination or harassment based on a person's race, creed, color, national origin, gender, gender expression or identity, sexual orientation, religion, marital status, family status, pregnancy, military or veteran status, age, genetic status, and/or physical, mental, or sensory disability, use of a service animal, and any other status protected by federal or state law.

Prohibited discrimination may take many forms. One type of prohibited discrimination is harassment, which is conduct that is unwelcome and is based on a person's protected status. Harassment itself can take many forms. It can include:

- Comments, jokes, innuendoes, questions, stories, conversations, cartoons, or pranks
- Physical, mental, or emotional intimidation, touching, ostracizing, or blocking or impeding someone's freedom of movement
- Slurs, epithets, or displayed symbols

In addition to the examples listed above, sexual harassment can also include:

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- Unsolicited and unwelcome sexual advances or propositions
- Requests for “dates” or other social encounters that may be inappropriate because of past rejections, power dynamic, or other circumstances
- Comments about a person’s appearance of a sexual or suggestive nature or at unacceptable times or frequency
- Unwelcome or unacceptable conduct such as touching or invasions of personal space
- Repeated and unwelcome electronic communication of a sexual, suggestive, or personal nature

### **2. ABUSIVE BEHAVIOR AND BULLYING**

Abusive behavior and bullying are also prohibited, regardless of the basis for the conduct. Bullying is repeated and unreasonable actions of one or more persons that are threatening, humiliating, degrading, or intimidating. Bullying can take many forms and may include intimidation, isolation, verbal abuse, undermining, sabotage, unreasonable work expectations, inappropriate use of staff, or psychological mistreatment such as humiliating, manipulating, or instilling fear.

### **3. RETALIATION**

Retaliation against any person who reports or participates in an investigation or proceeding relating to a potential violation of this policy is prohibited. Examples of retaliation include adverse employment actions or retaliatory harassment, such as ostracism or threat of an adverse employment action.

## **C. MAKING A COMPLAINT**

Employees or members who experience, witness, or learn of what may be discrimination, harassment, bullying, or retaliation are strongly encouraged to come forward. This may be done in person or in writing, including email. The employee or member may report the behavior to any of the following individuals:

1. The employee’s own supervisor
2. Any other supervisor
3. The Chief Clerk or Deputy Chief Clerk
4. The Human Resources director
5. The House Counsel

If a situation involves immediate threats to safety or violent behavior, an employee or member is encouraged to contact House Security or law enforcement directly. Such contact does not preclude the House from taking action pursuant to this policy.

When an employee or member comes forward with a complaint, the House cannot promise complete confidentiality, due to the need to investigate the issue properly. However, the identity of the complainant and other witnesses and the details of the allegations will be kept as confidential as practical as described in part E of this chapter.

If it is determined that a complaint is malicious in nature, the complainant may be subject to disciplinary action. This does not apply to complaints that are made in good faith, regardless of whether a decision is made that the alleged behavior violates this policy.

### D. HOUSE RESPONSE TO COMPLAINTS

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All supervisors have a responsibility to take employee concerns and complaints seriously. When a supervisor learns of, witnesses, or receives a complaint regarding a potential violation of this policy, the supervisor should talk with the complainant or the affected employee to determine if further investigation is warranted.

Supervisors should provide information about the House's process of addressing violations of this policy and ask what the employee wants to happen next. If the nature of the concerns and the wishes of the affected employee warrant a simple intervention, a supervisor may handle a matter informally. The supervisor may explain to the offender the impact of their actions and require the conduct not reoccur.

If further investigation is warranted, the supervisor will notify the House Counsel or Chief Clerk. If a supervisor is in doubt as to whether a particular situation warrants investigation, they should consult with the House Counsel. The supervisor must document the initial report and any actions taken. Either the supervisor, the Human Resources Director or House Counsel will keep the complainant updated throughout the process.

If an employee chooses, the employee may communicate directly with the person who is engaging in unwelcome conduct. If practical, the employee should bring a witness for this discussion. While nothing prohibits an employee from addressing a matter directly, it is not a prerequisite to making a complaint.

### E. INVESTIGATIONS

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The House will investigate all allegations that may constitute a violation of this policy. The House may pursue an investigation on its own accord based on information from any person regardless of whether there is a complaint.

Investigations will be conducted as promptly as possible. The promptness of the investigation is mainly dependent on the complexity of the facts and the number and availability of witnesses.

When an employee comes forward with a complaint, the House cannot promise complete confidentiality, due to the need to investigate the allegations properly. However, the identity of the complainant and other witnesses and the details of the allegations will be kept as confidential as practical and only shared on a "need to know" basis.

**Step 1.** The person alleging the violation will be interviewed. The person may have someone of their choosing present during the interview. Typically, the investigator will obtain a description of the incident(s) and, if available, will request:

- Identification of the alleged policy violator;
- Corroborating evidence; and
- A list of witnesses.

**Step 2.** In most cases, as soon as practical after receiving the complaint, the alleged policy violator will be informed that an allegation has been made against them. An alleged policy violator will have an opportunity to answer questions and respond to the specific allegations. The investigator will also request, if available, corroborating evidence and a list of witnesses from the alleged policy violator.

Pending completion of the investigation, the Chief Clerk or a supervisor may take appropriate precautionary actions to protect the complainant, other employees or members, or members of the public.

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**Step 3.** After adequate investigation and consultation with the appropriate personnel, the Chief Clerk or supervisor will make a decision regarding whether or not corrective or disciplinary action will be taken.

**Step 4.** The alleged policy violator and complainant will be advised of the disposition of the complaint and additional steps that will be taken to address it. If the policy violation involves a lobbyist, agency employee, or contractor, the policy violator's employer or clients will be informed of the disposition of the complaint and any actions taken. If a House member is the respondent and a memorandum containing conclusions, sanctions or findings is written, unless otherwise privileged, it will be released at the conclusion of the appeal period or if the memorandum is provided to a member, whichever occurs first. If an appeal is filed, the memorandum will be released at either the conclusion of the appeal process, or when the memorandum is provided to any member, whichever occurs first. In order to protect the confidentiality of those involved, identifying information of complainants and witnesses will be redacted. This policy does not require the creation of a memorandum where one would not ordinarily be created under normal House business practices.

### **Special Investigatory Circumstances**

In some circumstances, it might be appropriate for the House to contract with an outside investigator to conduct the investigation. Examples of this might include a complaint that involves a particularly complicated set of facts or requires outside expertise, a large number of complainants or witnesses, the House employees that would normally conduct the investigation are either witnesses, complainants, or alleged policy violators, or any situation that would cause an internal investigation to not be viewed as objective. Whether an outside investigator is contracted will be determined by the Chief Clerk after consultation with House Counsel and the Human Resources Director.

Where an outside investigator conducts an investigation regarding a violation of the respectful workplace policy, and a House member is a respondent, and the Chief Clerk or investigator finds a violation of prohibited conduct, the investigation is in the public interest and an investigatory report will be released. The investigatory report will be released at the conclusion of the appeal period or if the investigatory report is provided to a member, whichever occurs first. If an appeal is filed, the investigatory report will be released at either the conclusion of the appeal process, or when the investigatory report is provided to any member, whichever occurs first. In order to protect the confidentiality of those involved, identifying information of complainants and witnesses will be redacted.

Where an outside investigator conducts an investigation regarding a violation of the respectful workplace policy, and a House Member is a respondent, and the Chief Clerk or investigator does not find a violation of prohibited conduct, the investigatory report will only be released with the consent of the member, unless the investigatory report is provided to any member. In order to protect the confidentiality of those involved, identifying information of complainants and witnesses will be redacted.

## **F. CORRECTIVE AND DISCIPLINARY ACTIONS**

Corrective or disciplinary actions taken will be proportionate to the seriousness of the offense and any prior violations of the policy and will vary depending on the role of the policy violator. This may include a broad range of actions to promote a culture of respect, civility, and diversity, and may not always be disciplinary in nature, such as coaching and training. For employees, disciplinary actions include verbal or written reprimands, demotion, suspension, or termination.

Supervisors who fail to take appropriate action as outlined in part D when they know of conduct that violates this policy may face similar consequences.

For a House member there are actions that the Chief Clerk, the Executive Rules Committee, the member's

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caucus, and the chamber as a whole may take. For example, the Chief Clerk has authority over the member's access to House resources and may place limits on a member's access to staff, including a legislative assistant, or requiring that the member work only through specified supervisors.

The member's caucus may remove the member from leadership positions within the caucus or a committee. The caucus may also remove the member's committee assignments altogether. Although House Administration and the member's caucus do not have authority to expel a member, the chamber as a whole may vote to censure or expel a member from the body.

Conduct by visitors, including lobbyists, that is in violation of the House policy may also result in restrictions, including prohibiting their access to certain areas and people, requiring that House Security accompany them as they do business on the premises, or reporting their conduct to their employers or clients.

If there is reason to believe a violation of a criminal law may have occurred, the matter will be referred to the appropriate law enforcement authority. Such a referral does not preclude the House from taking action pursuant to this policy.

### G. APPEALS

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If a complainant or alleged policy violator is not satisfied with the disposition of the complaint, the person may appeal to the Executive Rules Committee (the "Committee") within thirty calendar days of being advised of the final determinations. Any appeal to the Committee must be in writing, signed by the appellant, and state the nature of the appeal. The appeal must be filed with the Chief Clerk, or if the Chief Clerk is the alleged policy violator, with the House Counsel.

If a member of the Committee is the alleged policy violator, that member will be prohibited from participating in consideration of the appeal. To assure the objectivity and fairness of all deliberations by the Committee, all participants in an appeal, including witnesses, must refrain from communicating with Committee members individually regarding the matter.

The Committee will review the appeal by examination of the information submitted by the appellant, and the written record assembled in the investigation. The Committee may seek additional information beyond the written record. All participants will be afforded an equal opportunity to augment the record. Additionally, all participants shall have an opportunity to view or listen to each other's supplementary information.

The Committee will either uphold the decision or send the decision back to the Chief Clerk for modification. All decisions of the Committee are final and shall be in writing addressed to the appellant and a copy should be provided to all other participants in the appeal.

### H. SPECIAL REPORTING REQUIREMENTS

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**Pages and Interns.** With limited exceptions, there should be no business need for adults to be alone in non-public circumstances with pages and interns, including having private communications within or outside of the legislative workplace. All employees and members should immediately report any inappropriate conduct involving pages and interns to a staff director, the Chief Clerk, the House Counsel, or Human Resources Director.

**Temporary staff.** The House employs a large number of temporary staff during the legislative session. These employees are less likely to be familiar with reporting processes, may have weaker connections to their supervisors and other staff, and may face other barriers to reporting. All employees and members are encouraged to support these employees and assist them with reporting potential violations of this policy.

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**Members.** Members have supervisory duties in regards to their legislative assistants so, for purposes of this policy, are considered supervisors. Given the unique nature of their supervisory duties, they have distinct reporting duties from other supervisors in the House. If a member learns of, witnesses, or receives a complaint regarding a violation of this policy, the member must promptly consult with the Chief Clerk, the House Counsel, the Human Resources Director, or a staff director.

**Complaints by non-employees.** If a supervisor receives a complaint about a potential violation of this policy by a House member or employee from a member of the public engaging in business with the House, such as a lobbyist, agency employee, constituent, or contractor, the supervisor should consult with the Chief Clerk, House Counsel, or Human Resources Director as to the appropriate action.

### **COMPLAINTS ABOUT CERTAIN HOUSE EMPLOYEES.**

1. If an employee's supervisor is perceived to be the cause of conduct that violates this policy, a report or complaint should be made to another supervisor, Human Resources Director, the House Counsel, the Deputy Chief Clerk, or Chief Clerk.
2. If the Chief Clerk is perceived to be the cause of conduct that violates this policy, a report or complaint should be made to the House Counsel who will confer with the Executive Rules Committee regarding appropriate investigation and action.
3. If the House Counsel or Human Resources Director is perceived to be the cause of conduct that violates this policy, a report or complaint should be made to the Chief Clerk.

## **I. LEGISLATIVE CODE OF CONDUCT**

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The Legislature is committed to maintaining a professional and respectful environment for all members of the legislative community.

As stewards of the public trust, each member of the legislative community is expected to:

- Conduct themselves with self-awareness, self-respect, and professionalism;
- Treat all others with respect, dignity, and civility, regardless of status or position; and
- Refrain from engaging in hostile, intimidating, offensive, or unlawful activities or behaviors that may amount to discrimination, harassment, sexual harassment, or bullying.

This Code of Conduct applies equally and at all times to all members of the legislative community, both on and off the capitol campus.

## **J. ADDITIONAL RESOURCES**

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**Employee Assistance Program** - <https://des.wa.gov/services/hr-finance-lean/employee-assistance-program-eap>

**Equal Employment Opportunity Commission** - <https://www.eoc.gov/employees/index.cfm>

**Human Rights Commission** - <https://www.hum.wa.gov/employment>

**Dispute Resolution Center of Thurston County** - <http://www.mediatethurston.org>

**SafePlace** - <https://www.safeplaceolympia.org>

**Washington Coalition of Sexual Assault Programs** - <http://www.wcsap.org>

**Rape, Abuse & Incest National Network (RAINN)** - <https://www.rainn.org>