

Maryland General Assembly Anti-Harassment Policy and Procedures

I. Statement of General Assembly Policy

The Maryland General Assembly is committed to creating and maintaining a work environment in which all members and employees are treated with respect and are free from unlawful discrimination and harassment. It is the policy of the Maryland General Assembly that harassment based on an individual's race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, marital status, citizenship, sex, or any other characteristic protected by law is prohibited.

A. Workplace Harassment Prohibited

Workplace harassment means any harassment based on any characteristic protected by law and has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. While workplace harassment includes sexual harassment, sexual harassment raises issues that are to some extent unique in comparison to other types of workplace harassment and is further emphasized in section B. of this policy.

B. Sexual Harassment Prohibited

Sexual harassment is a form of sex discrimination that could violate federal and State law, as well as the United States and Maryland Constitutions. Sexual harassment is illegal and is in conflict with the personnel practices and public policies of the State of Maryland. Sexual harassment by a member or employee of the Maryland General Assembly is prohibited and will not be tolerated.

Sexual harassment, for the purpose of this policy, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical contact of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, which is perceived by the victim to be abusive or hostile.

Sexual harassment may include a range of subtle or overt behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; unwelcome commentary about an individual's body, commentary about an individual's sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; displaying, communicating, or distributing sexually suggestive objects, pictures, or messages in the workplace; and other physical, verbal, nonverbal or visual conduct of a sexual nature.

II. Scope of the Policy and Individuals Covered

This policy applies to members, regular, full-time, part-time, temporary and contractual employees of the Maryland General Assembly, as well as interns and pages assigned to the Maryland General Assembly. In addition, this policy covers the interaction of these individuals away from the legislative complex at legislative-sponsored events, professional meetings or seminars, and those activities that involve legislative business.

III. Procedures for reporting, investigating and resolving harassment incidents

A. Reporting incidents

Early reporting and intervention are most effective in resolving actual or perceived incidents of harassment. Therefore, the Maryland General Assembly encourages the prompt reporting of incidents or concerns so that rapid and constructive action can be taken before relationships become irreparably strained and before offensive conduct continues or escalates.

The Maryland General Assembly encourages good faith reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been exposed to such conduct or have witnessed such conduct should discuss their concerns with any one of the following: the Human Resources Manager of the Department of Legislative Services, the Administrative Assistant to either Presiding Officer, the Chief of Staff for the President of the Senate, or the Chief of Staff for the Speaker of the House.

Adverse actions taken in retaliation against an individual for reporting sexual harassment or other unlawful discrimination or for participating in an investigation of a claim of harassment or discrimination constitute a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. An individual making a report shall be advised of the prohibition against retaliation at the time the individual makes the complaint. As appropriate, remedial measures will be discussed with the individual who made a report.

B. Investigation

If the problem is not resolved informally to the satisfaction of the individual who made the report, the Human Resources Manager will promptly conduct an investigation of the complaint. All information will be maintained on a confidential basis to the greatest extent possible. Only those who need to know in order to accomplish the purpose of the investigation shall be provided with the identity of the complainant and the allegations. All parties, including the complainant and the alleged harasser, contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action.

C. Resolution

In order to facilitate an appropriate resolution, any report involving a member or staff of the Maryland General Assembly will be brought to the attention of the relevant presiding officer (either the President of the Senate or the Speaker of the House) and may be brought to the attention

of the relevant minority leader. For the same reason, any report involving an employee of the Department of Legislative Services will be promptly brought to the attention of the Department's Executive Director. All reports of violations made to the individuals listed below shall also be reported promptly to the Human Resources Manager.

If the investigation supports a finding of a violation of this policy, prompt and effective remedial action will be taken. Responsive action may include, but is not limited to, training, referral to counseling or disciplinary action as determined to be appropriate under the circumstances, including referral to the Joint Committee on Legislative Ethics. Disciplinary action for a non-legislator may include, but is not limited to, warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, termination or other punishment. For constitutional reasons, disciplinary action for a legislator may include warning, reprimand, reassignment, expulsion, or other punishment in accordance with Article III, Section 19 of the Maryland Constitution.

If the investigation does not support a finding that this policy has been violated, the individual making the report and the individual against whom the allegation was made shall be so advised. Both will be advised that retaliation for making the report is prohibited.

D. Appeal

If a party involved in the reported incident does not agree with its resolution, that party may appeal to the appropriate Presiding Officer within 10 days of receiving notice about resolution of the complaint. Within 45 days, the presiding officer or designee will render a decision on the appeal.

IV. Policy Summary

This policy reflects the strong commitment of the Maryland General Assembly to providing its members and employees with an environment free from unlawful discrimination, including sexual harassment, and from retaliation for exercising rights under this policy. The General Assembly is committed to investigating complaints of discrimination, harassment, and retaliation promptly and thoroughly, regardless of who brings them or against whom they are brought.

The Human Resources Manager is directed to report annually to the Legislative Policy Committee the number of incident reports made each year, by type of workplace harassment and resolution.

**To report violations or if you have any questions about this policy,
see or call any of the following persons:**

Patrick Murray

Chief of Staff, President of the Senate
410-841-3700

Joy Walker

Administrative Assistant to the President of the Senate
410-841-3700

Alexandra Hughes
Chief of Staff, Speaker of the House of Delegates
410-841-3800

Valerie Kwiatkowski
Assistant to the Speaker of the House of Delegates
410-841-3800

Lori Mathis
Human Resources Manager
410-946-5120

Revised 1/1/18