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NCSL Recommendations Regarding Legislative Sexual Harassment Policies and Training

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In October 2017, NCSL conducted a survey to learn more about legislative policies and training on sexual harassment. After reviewing the survey responses and recommendations by experts in the field—including general harassment guidelines promoted by the EEOC—NCSL offers the following benchmarks for creating a strong legislative sexual harassment policy.

- A clear definition of “sexual harassment.”
- Examples of what behaviors are considered inappropriate in the workplace.
- A policy that applies to legislators and staff, as well as nonemployees, such as lobbyists and outside vendors.
- A diversity of contacts within the legislature to whom sexual harassment can be reported, allowing the complainant to bypass reporting to his or her direct supervisor.
- A clear statement prohibiting retaliation for the filing of any claim.
- A statement providing for confidentiality, to the extent possible, for all parties involved.
- Specific examples of potential discipline, if warranted.
- The possibility of involving parties outside the legislature to assist in the investigation, if it is warranted or requested.
- An appeal procedure.
- A statement informing the complainant that she or he can also file a complaint to the Equal Employment Opportunity Commission and/or the state’s Human Rights Commission.

NCSL also recommends that an effective sexual harassment training program include the following elements:

- Training should be done in a classroom setting with a live trainer
- Training should be mandatory
- Training should include a summarization of the national laws on sexual harassment, as well as state- and legislature-specific policies
- The legislative HR director, or other individual(s) tasked with receiving sexual harassment complaints, should be present
- Training should be offered at new member or new employee orientations
- Leadership should be engaged in the training
- Training should incorporate case studies and examples of harassment, specifically highlighting situations unique to the legislature
- Annual training should be dynamic and vary by topics covered and in presentation style
- Trainers should ask attendees to fill out evaluations, to ensure the training is meeting their needs
- There should be separate training for legislative staff and membership

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