

Minnesota House of Representatives

Policy Against Harassment and Discrimination

overview of the Policy

Scope – Prohibited Conduct

- Two categories
 - Discrimination
 - Harassment
 - Include sexual harassment, a form of sex or gender discrimination, which is defined in the policy the same as defined in the Minnesota Human Rights Act
- Retaliation
- False complaints

Protected Characteristics

- race
- color
- national origin
- sex, including pregnancy
- marital status
- sexual orientation
- age
- disability
- public assistance status
- familial status

Retaliation

- Adverse, job-related action for engaging in protected conduct
- Protected conduct
 - opposing discrimination and harassment in workplace
 - bringing complaint or reporting incident of harassment or discrimination
 - participating in an investigation
 - testifying in a proceeding related to harassment, discrimination, or retaliation
 - associating with person or group “who are disabled or who are of a different race, color, creed, religion, sexual orientation, or national origin.”

Scope – People to whom the Policy applies

- Members
- Employees
- “...this policy is designed to eliminate discriminatory and harassing behavior by and against members and employees in encounters during the course of their work with third parties, such as senators, other legislative employees, visitors, constituents, press persons, lobbyists, service persons, or state employees employed by other branches of government.” (underlining added)

Scope – Where the Policy applies

- Capitol Complex
- “...covers the interaction of members and employees away from the Capitol Complex at legislative sponsored events, professional meetings or seminars, and those activities which involve legislative business.”

Responsibilities of the MN House

- publish and post
- inform all employees and members about Policy and procedures
- train supervisors
- Policy compliance of personnel decision makers
 - i.e., caucus leaders, personnel committee members, supervisors, and department heads
- take appropriate action when Policy violated
- fair, efficient, and careful handling of all complaints
- regularly review Policy and procedures

Responsibilities of supervisors

- Promote workplace free from discrimination and harassment
- Address discrimination and harassment when observed or reported
- Respect privacy as much as possible of all involved in a discrimination or harassment concern or complaint
- Promptly report observations or complaints of discrimination or harassment to HR Director or Employment Law Counsel
- Participate in training

Responsibilities of members and staff

- Promptly report concerns or complaints
- participate in training
- cooperate with investigations
- be sensitive to and eliminate discrimination and harassment in themselves and among peers

Reports of discrimination or harassment

- Reports may be made to:
 - any House supervisor (see list)
 - Speaker
 - Majority Leader
 - Minority Leader
- Form
 - writing
 - phone
 - in person
 - any other means
- Additionally, those affected by harassment or discrimination have a right to file a charge with Dept. of Human Rights or EEOC, and to consult with a private attorney

Investigation

- Discussion with person bringing report or complaint
- Discreet as possible
 - information shared only with those who need to know
- Prompt, thorough, fair
- Members and employees are expected to cooperate
- Alleged offender notified, given opportunity to provide information
- Proposed resolution shared with person bringing report and offender, while working to protect privacy
- Retaliation strictly forbidden

Resolution, discipline

- For employees resolution can include:
 - apology
 - direction to stop behavior
 - counseling or training
 - oral or written warning
 - transfer to another position/department
 - suspension
 - termination
- For members
 - “Disciplinary action involving members of the House will be handled by Leadership or pursuant to Rules of the House.”