

SEXUAL HARASSMENT POLICY
of the
MINNESOTA LEGISLATURE

Adopted by the LCC
October 10, 1990

(Reprinted 1997)

Note regarding House and Senate policies added April 17, 2019

This policy updates previous sexual harassment policies
of the Legislative Coordinating Commission.

For alternative formats, call House Information (voice) 296-2146
(TTY) 1-800-627-3529, Senate Information (voice) 296-0504
(toll free) 1-888-234-1112 or (TTY) 296-0250.

This policy applies to the Legislative Coordinating Commission and employees under its jurisdiction. The House and Senate have adopted their own policies. If you have any question about which policy applies to you, please ask someone in your human resources department, your supervisor, or director.

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Sexual Harassment Policy of the Minnesota Legislature

The Minnesota Legislature is committed to creating and maintaining a work environment in which all members and employees are treated with respect and are free from sexual harassment. To this end, sexual harassment by a member or employee of the Senate, the House of Representatives, or the Legislative Coordinating Commission is prohibited.

The goal of this policy is to ensure that all complaints of sexual harassment will be promptly, thoroughly, and respectfully handled.

- Reporting and investigative procedures are designed to encourage members and employees to report what they believe to be sexual harassment.
- Complaints, investigations, and resolutions will be handled as discreetly as possible, with information being shared only with those who have a need to know and as may be required by the Legislature's obligation to comply with the law.
- Retaliation will not be tolerated against any person who complains, reports, or testifies about sexual harassment, or participates in an investigation of a sexual harassment complaint.
- Appropriate disciplinary action will follow when appropriate.

All those involved in the legislative process have a responsibility to contribute to a respectful work environment. The Minnesota Legislature encourages, expects, and appreciates cooperation in implementing this policy.

What Is the Scope of This Policy and Whom Does It Cover?

This policy applies to all members and employees in the Minnesota Legislature and includes all legislative facilities.

MEMBERS

- All Representatives
- All Senators

EMPLOYEES - Any permanent, full-time, part-time, temporary employee (including interns), or any other employee of the legislature:

- All House employees
- All Senate employees
- All LCC employees (under the jurisdiction of the Legislature Coordinating Commission), including:
 - Legislative Reference Library
 - Office of the Revisor
 - Office of the Legislative Auditor
 - (unclassified positions)

This policy also 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.

In addition, this policy is designed to eliminate sexually offensive or sexually harassing behavior which members and employees encounter in the course of their work and which is engaged in by such third parties as visitors, constituents, press persons, lobbyists, service persons, or state employees employed by other branches of government.

What Is Sexual Harassment and Sexually Offensive Behavior?

One of the key elements of sexual harassment is that the behavior is **UNWELCOME**. Sexual conduct or communications that might be welcome to you may be unwelcome to another. Sexual conduct or communications that might have been welcome between two individuals at one time may become unwelcome at a later time. Whether the conduct or communications are unwelcome depends on the total circumstances.

Unwelcome sexual conduct or communications may violate state law or federal law, or both, if:

- your submitting to that conduct or communication is made a condition of obtaining or keeping your job,
- your submitting to or rejecting that conduct or communication is used as a factor in decisions affecting your job, or
- that conduct or communication unreasonably interferes with your job performance or creates an intimidating, hostile, or offensive working environment.

The legal definition of sexual harassment, contained in Minnesota Statutes, Section 363A.03, subdivision 43, is found on page 13.

Not all sexually offensive or unwelcome behavior constitutes "sexual harassment," as a violation of law. Nevertheless, this policy is designed to eliminate sexually offensive behavior from the Legislature, whether or not it rises to the level of legally prohibited "sexual harassment."

What Are Examples of Behavior Which May Violate This Policy?

The following are examples of sexual conduct or communication which, **WHEN UNWELCOME AND DEPENDING UPON THE TOTAL CIRCUMSTANCES**, may constitute sexual harassment or sexually offensive behavior:

VERBAL

- unwelcome sexual comments, compliments, innuendos, or suggestions about one's clothing, body, or sexual activity
- turning work discussions into sexual topics, such as sexual practices or preferences, or telling sexual jokes or stories
- requesting or demanding sexual favors or suggesting that there is any connection between sexual behavior and any term or condition of employment, whether that connection be positive or negative
- use of obscene or sexual words or phrases or the use of unwelcome words such as "sweetheart," "stud," "honey," "babe," or "hunk"

NON-VERBAL

- displaying sexually explicit pictures or objects in the work area
- giving personal gifts of a sexual nature
- making sexually suggestive facial expressions or gestures
- making unwelcome visits to a member's or employee's home or hotel room

PHYSICAL

- kissing, or touching, patting, pinching, or brushing against a person's body
- sexual contact, intercourse, or assault

Whose Responsibility Is It To Address and Prevent Sexual Harassment?

Every member and employee in the Minnesota Legislature is responsible for contributing to a respectful workplace.

THE LEGISLATURE has a responsibility to:

- publish and post its sexual harassment policy and procedures,
- inform all staff and members about the Legislature's sexual harassment policy and procedures,
- train supervisors on their roles and responsibilities in dealing with sexual harassment,
- promote fair and efficient handling of all complaints, and
- regularly review its sexual harassment policy and procedures.

SUPERVISORS have a responsibility to:

- promote a departmental working environment free from sexual harassment and deal with sexual harassment when it is observed or reported,
- respect the privacy as much as possible of all parties involved in a sexual harassment concern or complaint,
- promptly report sexual harassment or complaints of sexual harassment to either the Senate Director of Human Resources, House Affirmative Action Officer, or LCC Director, and
- participate in training on sexual harassment provided by the Legislature.

MEMBERS AND EMPLOYEES have a responsibility to:

- promptly report concerns or complaints,
- participate in training,
- cooperate with requests for information and data that will help a supervisor or complaint handler carry out her or his responsibilities under these procedures, and
- be sensitive to and eliminate sexual harassment in themselves and among their peers.

How To Deal With Problem Behavior

THE COMPLAINT

If you believe you have experienced harassment or offensive behavior, you should feel free to complain to the offending person about his or her behavior, to tell him or her what comment, joke or action disturbed you, and that you want the behavior to stop. You have the right to complain in person or in writing to the offender, but you need not do so if a direct complaint would make you uncomfortable.

If you do not feel comfortable in voicing your complaint directly, if you have complained to the offender and the offensive behavior has not stopped, or if you believe your complaint has resulted in retaliation towards you, report your complaint of harassment or of retaliation as follows:

- If you are a **SENATE** employee or member, report to any Senate supervisor, the Senate Majority Leader, Minority Leader, or Senate Director Human Resources .
- If you are a **HOUSE** employee or member, report to any House supervisor, the Speaker, Majority Leader, Minority Leader, or Affirmative Action Officer.
- If you are an employee under the jurisdiction of the **LCC**, report to any LCC supervisor, the LCC Chair, or LCC Director.

INVESTIGATION OF A COMPLAINT

Any one of the above persons receiving a complaint must report the complaint to the following persons for appropriate action:

- In the Senate: Director of Human Resources,
- In the House: Director of Human Resources, or
- In the LCC: LCC Director.

How To Deal With Problem Behavior (Continued)

As part of the complaint process:

- You will be asked for such details as who was involved in the offensive behavior, what was said or done, how the conduct affected you, and your opinion as to how the situation should be resolved.
- Complaints, investigations, and resolutions will be handled as discreetly as possible, with information being shared only with those who have a need to know and as may be required by the Legislature's obligation to comply with the law.
- All complaints will be investigated promptly, thoroughly, and fairly.
- Members or employees with information about the offensive behavior may be contacted and are expected to cooperate with any investigation.
- The alleged offender will be advised of the complaint and given an opportunity to provide information about what happened and concerning possible resolution.
- The investigator and supervisor will discuss the proposed resolution of the problem, and you and the alleged offender will be advised of the resolution, with concern shown for the privacy of the parties.
- Retaliation against you or any person investigating or participating in a complaint investigation is strictly forbidden and is a very serious violation of this policy.

RESOLUTION OF A COMPLAINT

Resolution of complaints can include, but not necessarily be limited to, an apology, direction to stop the offensive behavior, counseling or training, oral warning, written warning, transfer to another department, suspension with or without pay, or termination. Disciplinary action involving members of the Senate or the House will be handled by Leadership or pursuant to Senate Rule 55 or House Rule 6.10, respectively.

If the offensive behavior does not stop or reoccurs after you make a complaint, you should immediately bring this problem to the attention of either the Senate Director of Human Resources, House Affirmative Action Officer, or LCC Director.

How To Deal With Problem Behavior (Continued)

OTHER OPTIONS

In addition to or instead of this complaint procedure, you have a right to file a charge of discrimination with the Minnesota Department of Human Rights or to consult with an attorney.

RETALIATION

No retaliation will be tolerated, whether verbal, non-verbal or physical, as a consequence of the making of the complaint, and complaints of retaliation will be vigorously pursued.

FALSE COMPLAINTS

Complaints that are found to be intentionally dishonest or malicious will not be tolerated, and any person making a false complaint is subject to disciplinary action.

POLICY SUMMARY

This policy reflects the Minnesota Legislature's strong commitment to provide its employees and members with an environment free from harassment, offensive behavior, and retaliation, and of its commitment to handle all complaints thoroughly and completely, regardless of who brings them or against whom they are brought.

Questions and Answers

HOW CONFIDENTIAL IS A COMPLAINT ABOUT HARASSMENT?

All employers have a legal obligation to investigate all complaints. Complaints of harassment will be investigated and handled as discreetly as possible with information being shared with those having a need to know and in accordance with legal obligations.

WHAT IS RETALIATION?

Retaliation is any job-related adverse action against a member or employee who has complained of or reported an incident of harassment, participated in any investigation, or testified in any proceeding relating to a harassment complaint. This could include, but is not limited to, denial of a promotion, a demotion, or conduct by anyone in the workplace that could reasonably be expected to have an adverse impact on an individual's performance.

Retaliation sometimes takes the form of verbal or non-verbal conduct, such as sarcasm, refusal to talk to or look at the employee, or greater demands being placed on the complaining employee than on non-complaining co-workers.

Retaliation is illegal. If you believe you have experienced it because you have complained, reported, or testified about harassment, or participated in an investigation of a harassment complaint, you should report the situation to either the Director of Human Resources, Senate, Director of Human Resources, House, or LCC Director.

Questions and Answers (Continued)

WHAT IS THE LEGAL DEFINITION OF SEXUAL HARASSMENT?

The Minnesota Human Rights Act defines sexual harassment as:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- 1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
- 2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
- 3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know the existence of the harassment and fails to take timely and appropriate action. [Minnesota Statutes, Section 363A.03, subdivision 43]

If you have any questions about this policy,
see or call any of the following persons:

Senate Human Resources Director
G1 Capitol Building
651-296-9321

House Human Resources Director
198 State Office Building
651-296-0297

LCC Director
G 72 State Office Building
651-296-2963