

Sexual and Other Workplace Harassment Policy

(Adopted by Legislative Council on [JANUARY 20, 2000])

1 It is the policy of the Alaska State Legislature to maintain a workplace that is free of all illegal
2 discrimination. The Legislature as an employer will not tolerate, condone, or permit sexual
3 harassment or harassment on the basis of race, religion, color, national origin, age, physical
4 or mental disability, sex [SEX, COLOR, RACE, RELIGION, NATIONAL ORIGIN, AGE,
5 MENTAL OR PHYSICAL DISABILITY], marital status, changechanges [CHANGE] in
6 marital status, pregnancy, or parenthood.

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8 **All legislative branch employees and Legislators** [EMPLOYEES] who knowingly instigate
9 or participate in harassment in violation of this policy will be subject to disciplinary action as
10 described in this policy [UP TO AND INCLUDING SUSPENSION OR DISCHARGE].
11 Supervisors and managers who knowingly permit harassment activity without taking
12 corrective action will be subject to disciplinary action up to and including suspension or
13 discharge.

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15 [IT IS A VIOLATION OF LAW AND THIS POLICY TO RETALIATE AGAINST A
16 PERSON WHO HAS OPPOSED PRACTICES FORBIDDEN UNDER AS 18.80.220 –
17 18.80.280 OR WHO HAS REPORTED OR PARTICIPATED IN THE INVESTIGATION
18 OF AN ALLEGATION OF HARASSMENT.]

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20 Sexual Harassment Defined:

21 **The Alaska State Commission for Human Rights defines sexual harassment as:**

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- Unwelcome sexual advances; or
- Requests for sexual favors; or
- Verbal/Physical/Visual conduct of a sexual nature when:

- 1 1. submission to the conduct is made an explicit or implicit term or condition
2 of employment;
- 3 2. submission to or rejection of the conduct is used as the basis for an
4 employment decision; or
- 5 3. the conduct has the purpose or effect of unreasonably interfering with an
6 individual's work performance or creating an intimidating or hostile work
7 environment.

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9 **Examples of sexual harassment include, but are not limited to:**

- 10 • **Sexual advances or requests for sexual favors;**
- 11 • **Unwanted or offensive touching or physical contact of a sexual nature;**
- 12 • **Unwanted closeness;**
- 13 • **Impeding or blocking movement;**
- 14 • **Sexual gestures, innuendos, jokes, or sexually charged language;**
- 15 • **Intimate inquiry;**
- 16 • **Persistent unwanted courting;**
- 17 • **Sexist insult;**
- 18 • **Gender stereotype;**
- 19 • **Commentary about an individual's body, leering, or whistling;**
- 20 • **Commentary about an individual's sexual prowess or sexual deficiencies;**
- 21 • **Insulting or obscene comments or gestures;**
- 22 • **Displaying, communicating, or distributing sexually suggestive objects, pictures, or**
23 **messages in the workplace; and**
- 24 • **Other physical, verbal, nonverbal or visual conduct of a sexual nature.**

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26 **A single incident may constitute sexual harassment. Sexual harassment may involve**
27 **individuals of the same or different gender. Conduct or communications that might be**
28 **welcome to one person may be unwelcome to another person. Conduct or**
29 **communications that might have been welcome between two individuals at one time may**
30 **become unwelcome at a later time. Other conduct or communications not expressly**
31 **described in the examples above may violate this policy.**

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2 **Retaliation Prohibited:**

3 It is a violation of law and this policy to retaliate against a person who has
4 opposed practices forbidden under AS 18.80.220 – 18.80.280 or who has reported or
5 participated in the investigation of an allegation of harassment. Examples of retaliation
6 against a person include, but are not limited to:

- 7 • Termination;
- 8 • Suspension;
- 9 • Demotion;
- 10 • Denial of promotion;
- 11 • Refusal to hire;
- 12 • Disparaging the person to others or in the media;
- 13 • Work-related threats, warnings, or reprimands;
- 14 • Negative or lowered performance evaluations;
- 15 • Transfers to less prestigious or desirable work or work locations;
- 16 • Making false reports to government authorities or in the media;
- 17 • Filing a civil action;
- 18 • Making threats of reassignment;
- 19 • Scrutinizing work or attendance more closely than that of other employees,
20 without justification;
- 21 • Removing supervisory responsibilities;
- 22 • Engaging in abusive verbal or physical behavior that is reasonably likely to
23 deter a person from engaging in a protected activity, even if it is not yet "severe
24 or pervasive," as required to be classified as a hostile work environment;
- 25 • Requiring reverification of work status, making threats of deportation, or
26 initiating other action with immigration authorities because of protected activity;
27 or
- 28 • Taking or threatening to take a materially adverse action against a close family
29 member.

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31 **Hostile Work Environment Prohibited:**

1 **Discriminatory behavior sufficiently severe or pervasive to alter the conditions of**
2 **the subject's employment and to create a hostile work environment violates**
3 **AS 18.80.220 and is prohibited under this policy.**

5 **Workplace harassment may include unwelcome conduct that occurs outside of work**
6 **during nonwork hours if it has consequences in the workplace. Workplace harassment**
7 **does not include a minor annoyance or disappointment that an employee may encounter**
8 **in the course of performing the employee's work.**

10 If You Witness or Experience Harassment:

11 **You do not have to be the person being harassed to report harassment.** If you
12 witness or experience harassment and if you feel you are able to do so, you are encouraged to
13 speak to the person who you believe is doing the harassing, point out the offensive behavior,
14 and tell the person to stop. By taking this action you may be able to stop the harassment
15 immediately. If it does not stop, or if you are reluctant to confront the person, you should
16 report the problem **to a manager, a supervisor, the Legislative Affairs Agency (LAA)**
17 **Human Resources Manager, or designated staff** using **one of the procedures outlined**
18 [THE PROCEDURE] below. Managers and supervisors who witness or are aware of
19 harassment must take action to stop the behavior and [TO] report the alleged harassment to
20 **the Legislative Affairs Agency (LAA) Human Resources Manager** [ONE OF THE
21 PERSONS NOTED IN THE REPORTING PROCEDURE BELOW].

23 **The Alaska State Legislature encourages persons to make all reports of harassment in a**
24 **timely manner. You may make a report of violations of this policy under either the**
25 **informal reporting procedure or formal reporting procedure outlined below. If you are**
26 **unsure of which type of procedure to pursue, you are encouraged to contact the LAA**
27 **Human Resources Manager for guidance. All reports will be taken seriously and**
28 **investigated to determine whether there has been a violation of this policy.**

30 **Informal** Reporting Procedure:

31 **A person who may have experienced harassment may simply want the conduct to**

1 stop and may not be interested in pursuing a formal reporting procedure. The informal
2 reporting procedure is intended to meet that need.

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4 An informal report may be oral or in writing and may be made to a manager,
5 supervisor, or the LAA Human Resources Manager. The LAA Human Resources
6 Manager shall create a form for informal reports that requires specific documentation
7 of the alleged harassment, including:

- 8 1. The name(s) of the person(s) involved in the alleged harassment, including
9 witnesses;
- 10 2. The date, place, and time of the alleged harassment;
- 11 3. A description of the alleged harassment; and
- 12 4. The action taken to resolve the informal report or the action requested by the
13 subject to address the conduct.

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15 All managers or supervisors who receive an informal report shall submit the report on
16 the designated form to the LAA Human Resources Manager, who shall maintain a
17 confidential record of all reports received. The name of the subject of the alleged
18 harassment may be kept anonymous for informal reporting purposes, as long as the
19 person submitting the report to the LAA Human Resources Manager is identified.

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21 The LAA Human Resources Manager retains the right to request a formal investigation
22 if the allegation is one of severe or pervasive harassment. A subject of alleged
23 harassment may request that an informal report be converted into a formal report at
24 any time. A formal report supersedes and terminates an informal report regarding
25 allegations of the same harassing conduct.

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27 **Formal Reporting Procedure:**

28 A formal report must be made in writing to the LAA Human Resources
29 Manager. However, if you do not feel comfortable making a report to the LAA Human
30 Resources Manager, you may make a report to the following designated staff:

31 1. LAA Personnel Office;

1 **2. House Chief Clerk or Senate Secretary; or**
2 **3. Speaker of the House or Senate President.**

4 **A formal report must include the following:**

5 **1. The name of the subject of the alleged harassment;**
6 **2. The name(s) of the person(s) involved in the alleged harassment, including**
7 **witnesses;**
8 **3. The date, place, and time of the alleged harassment; and**
9 **4. A description of the alleged harassment.**

10 **Upon receipt of a formal report, the LAA Human Resources Manager shall immediately**
11 **inform the appropriate manager or supervisor to ensure that the subject of the alleged**
12 **harassment has a safe and nonhostile work environment. After informing the parties,**
13 **the LAA Human Resources Manager will initiate an investigation, as described in the**
14 **Investigations section below.**

16 **Reports and Investigations Involving a Legislator:**

17 **Upon receipt of a formal report ~~against~~involving a Legislator, the LAA Human**
18 **Resources Manager shall immediately inform the parties, including the appropriate**
19 **manager or supervisor ~~of the subject~~, the presiding officer and, if the Legislator**
20 **involved** is a member of the minority caucus, the Minority Leader to ensure that the
21 **subject of the alleged harassment has a safe and nonhostile work environment. After**
22 **informing the parties of the report, the LAA Human Resources Manager will initiate an**
23 **investigation, except that an independent investigator may be hired ~~if recommended~~**
24 **~~by~~at the discretion of the LAA Human Resources Manager or upon the**
25 **recommendation of the presiding officer, ~~the~~ or Minority Leader, and the LAA Human**
26 **Resources Manager. A Legislator must** at the request of the parties involved. The
27 **parties involved may only** make a request for retention of an independent investigator
28 **through the presiding officer or Minority Leader. The request for retention of an**
29 **independent investigator must be made ~~within 10 days after the Legislator's receipt of~~**
30 **~~the formal report. Investigations shall~~by the subject of the alleged harassment within**

1 three business days after making the formal report or by the alleged harasser within
2 three business days after receipt of the formal report. If a recommendation for retention
3 of an independent investigator is made, the investigation shall begin within seven
4 calendar days of the recommendation. An independent investigator shall report to the
5 LAA Human Resources Manager and shall be paid for by Legislative Council.
6 Investigations must follow the procedure described below.

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8 **Investigations:**

9 An investigation ~~shall~~must begin within 10 calendar days after the receipt by the
10 LAA Human Resources Manager of a formal report. The LAA Human Resources
11 Manager shall investigate all reports of harassment, except that an independent
12 investigator may be hired for incidents involving a Legislator as described above and for
13 incidents involving, or allegations made against, the LAA Human Resources Manager.

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15 Within 30 calendar days after an investigator is assigned, the investigator shall complete
16 a draft report ~~must be completed~~ and ~~presented~~present the report to the subject of the
17 alleged harassment, the alleged harasser(s), and, in the event of an independent
18 investigation, the LAA Human Resources Manager. Each party has ~~10~~five business days
19 to provide comments or requests for modification. Requests for modification must
20 include the reason for the request. Modifications will be at the discretion of the
21 investigator.

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23 After the comment period, the investigator has 10 calendar days to finalize the report
24 and submit it to the appropriate manager or supervisor of the subject of the alleged
25 harassment and alleged harasser(s), and, in the event of an independent investigation,
26 the LAA Human Resources Manager. For reports involving ~~allegations made against~~ a
27 Legislator, the final report must be submitted to the presiding officer and, if the
28 Legislator is a member of the minority caucus, to the Minority Leader.

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30 Investigatory deadlines may be extended for good cause.

1 **Final Reports and Disciplinary Action:**

2 Upon receipt of the final report, the appropriate manager or supervisor of the
3 subject of the alleged harassment shall immediately present the final report to the
4 subject of the alleged harassment, the appropriate manager or supervisor of the alleged
5 harasser(s) shall immediately present the final report to the alleged harasser(s), and the
6 presiding officer or Minority Leader shall immediately present the final report to the
7 Legislator.

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9 If the final report reveals conduct in violation of this policy, appropriate corrective or
10 disciplinary action must be taken. An employee who is found to be in violation of this
11 policy may be subject to disciplinary action, up to and including dismissal. A Legislator
12 who is found to be in violation of this policy may be subject to the disciplinary action
13 considered appropriate by the presiding officer, Minority Leader, or body. For more
14 serious violations, a formal reprimand, censure, expulsion, or other penalty may be
15 recommended, subject to approval by the body.

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17 A person who is not employed by the Legislature who is found to be in violation of this
18 policy may be subject to action, up to and including permanent or temporary removal
19 from legislative buildings.

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21 **Appeals:**

22 Within five business days after receiving the final report of the investigator, the
23 subject of the alleged harassment or alleged harasser may appeal the conclusions, but
24 not findings of fact, contained in the final report to the appropriate appointing
25 authority.

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27 For reports involving ~~allegations made against~~ a Legislator, within five business days
28 after receiving the final report of the investigator, the subject of the alleged harassment
29 or the Legislator may request a hearing before the appropriate Rules Committee to
30 appeal the conclusions, but not findings of facts, contained in the final report.
31 Notwithstanding the confidentiality of the report, the appropriate Rules Committee may

1 consider release of all or a portion of a final report involving allegations made against a
2 Legislator contained in the final report.

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4 Notwithstanding the deadline to appeal, all legislative branch employees retain the right
5 to discuss any dissatisfaction with the outcome of a final report involving that employee
6 with a manager, supervisor, appointing authority, or the LAA Human Resources
7 Manager.

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9 **Confidentiality:**

10 All reports, including informal, formal, draft, and final reports, are considered,
11 and must be treated as, confidential under the Legislative Council Records Policy,
12 except that the appropriate Rules Committee may consider release of all or a portion of
13 a final report involving a Legislator. A violation of this provision is a violation of this
14 policy and may also result in an ethics violation under AS 24.60.060. The Alaska State
15 Legislature will protect the identity of all persons involved in a report of harassment to
16 the maximum extent possible, but to conduct an effective investigation, some
17 information may need to be revealed.

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19 [YOU DO NOT HAVE TO BE THE PERSON BEING HARASSED TO REPORT
20 HARASSMENT. YOU MAY MAKE A WRITTEN OR ORAL REPORT OF VIOLATIONS
21 OF THE POLICY ON SEXUAL AND OTHER WORKPLACE HARASSMENT TO ANY
22 OF THE FOLLOWING: YOUR SUPERVISOR, MANAGER, OR DIRECTOR; THE
23 LEGISLATIVE EEO OFFICER; DESIGNATED STAFF IN THE OFFICE OF THE
24 SENATE PRESIDENT OR THE SPEAKER OF THE HOUSE; DESIGNATED STAFF IN
25 THE SENATE OR HOUSE RULES COMMITTEE OFFICES; OR DESIGNATED STAFF
26 IN THE SENATE OR HOUSE FINANCE COMMITTEE CO-CHAIR OFFICES.]

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28 **Ethical Duties and Training:**

29 A violation [VIOLATION] of AS 18.80.220 – 18.80.280 is also a violation of the
30 Legislative Ethics Act, and reports or complaints may be pursued through the Select
31 Committee on Legislative Ethics. Training that teaches the means of compliance with

1 **AS 18.80.220 - 18.80.280 and this policy is required under AS 24.60.155 as a component**
2 **of the legislative ethics course.**

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4 **In this policy, "appointing authority" means:**

- 5 **1. The LAA Executive Director for LAA employees;**
- 6 **2. Legislative Council for the LAA Executive Director, employees of Legislative**
Council, or employees not otherwise listed;
- 7 **3. The Legislative Budget and Audit Committee for the legislative fiscal analyst,**
employees of the division of legislative finance, the legislative auditor, employees
of the division of legislative audit, and employees of the Legislative Budget and
Audit Committee;
- 8 **4. The appropriate finance committee for employees of the senate or house**
finance committees;
- 9 **5. The appropriate rules committee for employees of**
 - 10 **(A) standing committees of the legislature, other than the finance**
committees;
 - 11 **(B) the senate secretary's office and the office of the chief clerk of the**
house of representatives; and
 - 12 **(C) house records and senate records;**
- 13 **6. The legislator who made the hiring decision for employees of individual**
legislators; however, the legislator may request the appropriate rules committee
or presiding officer to act in the legislator's stead;
- 14 **7. The ombudsman for employees of the office of the ombudsman, other than the**
ombudsman;
- 15 **8. The legislature for the ombudsman;**
- 16 **9. The victims' advocate for employees of the office of victims' rights, other than**
the victims' advocate;
- 17 **10. The legislature for the victims' advocate.**

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20 [ALL REPORTS OR COMPLAINTS WILL BE TAKEN SERIOUSLY AND
21 INVESTIGATED TO DETERMINE IF THERE HAS BEEN A VIOLATION OF THIS

1 POLICY. IF THE INVESTIGATION REVEALS CONDUCT IN VIOLATION OF THIS
2 POLICY BY A LEGISLATOR, THE MATTER WILL BE REFERRED TO THE
3 APPROPRIATE LEGISLATIVE BODY FOR RESOLUTION. IF THE INVESTIGATION
4 REVEALS CONDUCT IN VIOLATION OF THIS POLICY BY AN EMPLOYEE,
5 MANAGER, OR SUPERVISOR, APPROPRIATE ACTION WILL BE TAKEN.]