SR51

189889-1

By Senators Hightower, Shelnutt, Brewbaker, Pittman, Sanford, Chambliss, Coleman-Madison, Dunn, Reed, Livingston, Ward, Bussman and Holtzclaw

RFD: Rules

First Read: 08-FEB-18
ADOPTING THE LEGISLATIVE POLICY ON SEXUAL HARASSMENT.

WHEREAS, the Legislature of the State of Alabama 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; and

WHEREAS, on March 12, 2015, the Legislative Council unanimously adopted a resolution recommending the adoption of a policy on sexual harassment by the House of Representatives and the Senate, and approved a proposed draft; and

WHEREAS, Section 29-4-25 of the Code of Alabama 1975, gives the Senate members of the Legislative Council the authority to regulate the employees of the Senate; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That the following policy and procedure, as previously adopted by the Legislative Council, shall be the sexual harassment policy of the Senate of the Alabama Legislature:
(1) The Legislature as part of its affirmative action efforts for the legislative branch of government and pursuant to the guidelines on sex discrimination issued by the Equal Employment Opportunity Commission, fully supports the protection and safeguarding of the rights and opportunities of all people to seek, obtain, and hold employment without subjection to sexual harassment of any kind in the work place.

(2) The Legislature acknowledges that the question of whether a particular action or incident is of a purely personal or social nature, without a discriminatory employment affect, requires an extensive determination based on all facts in each case. The Legislature recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. It is also recognized that there are other options available to a complainant and courses of action that he or she may pursue.

(3) The Legislature trusts that all persons involved in the business of the Legislature, whether a member, officer, supervisor, manager, or employee of the Legislature, lobbyist, or other person involved in the work of the Legislature, will act responsibly to establish and maintain a pleasant working environment for all.

(4) Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and it is against the policy of the Legislature for any person involved in the business of the Legislature, male or female, to sexually harass another person
involved in the business of the Legislature by doing any of
the following:

(a) Making unwelcome sexual advances or requests for
sexual favors or other verbal or physical conduct of a sexual
nature as a condition of employment or continued employment.

(b) Making submissions to or rejections of the
conduct the basis for administrative decisions affecting
employment.

(c) Creating an intimidating, hostile, or offensive
working environment by the conduct.

(5) As used in this policy, sexual harassment does
not refer to behavior or occasional compliments of a socially
acceptable nature. It refers to behavior that is not welcome,
that is personally offensive, that fails to respect the rights
of others, that lowers morale, and that, therefore, interferes
with work effectiveness. Sexual harassment may be overt or
subtle. Some behavior that is appropriate in a social setting
may not be appropriate in the work place. Whatever form it
takes, verbal, non-verbal, or physical, sexual harassment can
be insulting and demeaning to the recipient and will not be
tolerated in the work place.

(6) One specific form of harassment is the demand
for sexual favors. Other forms may include, but are limited
to, the following:

(a) Verbal. Sexual innuendoes, suggestive comments,
and jokes of a sexual nature and demeaning references.
(b) Nonverbal. Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, and obscene gestures.

(c) Physical. Touching a person's body, hair, or clothing or standing too close to, brushing up against, or cornering a person.

(7) All persons involved in the business of the Legislature, whether a member, officer, or employee of the Legislature, lobbyist, or other person involved in the work of the Legislature are expected to comply with this policy and take appropriate measures to ensure that the prohibited conduct does not occur.

(8) Any person involved in the business of the Legislature, whether a member, officer, or employee of the Legislature, lobbyist, or other person involved in the work of the Legislature who believes that he or she has been the subject of sexual harassment or has observed or heard sexual harassment should report the alleged act immediately to his or her supervisor or to the Secretary of the Senate. A complaint against the Secretary of the Senate shall be filed with the Senate members of the Legislative Council.

(9) All complaints shall be handled in a timely and confidential manner. In no event shall information concerning a complaint be released to anyone who is not involved with the investigation. No person involved shall discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the person who files a
complaint, to encourage the reporting of any incidents of
sexual harassment, and to protect the reputation of any person
wrongfully charged with sexual harassment.

(10) Investigation of a complaint normally includes
conferring with the parties involved and any named or apparent
witnesses. Each person has a right to an impartial and fair
hearing. All persons shall be protected from coercion,
intimidation, retaliation, interference, or discrimination for
filing a complaint or assisting in an investigation.

(11) If the investigation reveals that the complaint
is valid, prompt attention and disciplinary action designed to
immediately stop the harassment and to prevent its recurrence
shall be taken. If a valid complaint involves the conduct of a
member of the Legislature, the Secretary of the Senate shall
refer the matter to the members of the Legislative Council
from the Senate.

(12) The form of disciplinary action for officers or
employees of the Legislature shall be considered and decided
by the appropriate authority. Based on the seriousness of the
offense, the action may include, but is not limited to, verbal
or written reprimand, suspension, demotion, or termination.

(13) The form of any disciplinary action for a
member of the Legislature or any other person involved in the
business of the Legislature shall be determined in accordance
with Section 53 of the Official Recompilation of the
Constitution of Alabama of 1901, as amended.
(14) The Secretary of the Senate shall adopt procedures to implement and publicize this policy.