

Department of Legislative Services

Anti-Harassment Policy and Procedures

I. Statement of Department Policy

The Department of Legislative Services (the department) is committed to creating and maintaining a work environment in which all employees are treated with respect **and are** free from unlawful discrimination and harassment. It is the policy of the department that harassment based on an individual's race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, marital status, citizenship, sex, or any other characteristic protected by law is prohibited.

A. Workplace Harassment Prohibited

Workplace harassment means any harassment based on any characteristic protected by law and has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. While workplace harassment includes sexual harassment, sexual harassment raises issues that are to some extent unique in comparison to other types of workplace harassment and is further emphasized in section B. of this policy.

B. Sexual Harassment Prohibited

Sexual harassment is a form of sex discrimination that could violate federal and State law, as well as the United States and Maryland Constitutions. Sexual harassment is illegal and is in conflict with the personnel practices and public policies of the State of Maryland. Sexual harassment by an employee of the Department of Legislative Services is prohibited and will not be tolerated.

Sexual harassment, for the purpose of this policy, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical contact of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, which is perceived by the victim to be abusive or hostile.

Sexual harassment may include a range of subtle or overt behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; displaying, communicating, or distributing sexually suggestive objects, pictures, or messages in the workplace; and other physical, verbal, nonverbal, or visual conduct of a sexual nature.

II. Scope of the Policy and Individuals Covered

This policy applies to regular, full-time, part-time, and contractual employees of the department, as well as General Assembly pages. In addition, this policy covers the interaction of department employees away from the legislative complex at legislative-sponsored events, professional meetings or seminars, and those activities that involve legislative business.

III. Procedures for Reporting, Investigating and Resolving Harassment Incidents

A. Reporting Incidents

Early intervention is most effective in resolving actual or perceived incidents of harassment. Therefore, the department encourages individuals who believe they are being subjected to discrimination, harassment, or retaliation to promptly advise the offender that the behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The department recognizes, however, that an individual may prefer not to address the alleged offender directly. If, for any reason, an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should promptly report the incident. The Department of Legislative Services encourages the prompt reporting of incidents or concerns so that rapid and constructive action can be taken before relationships become irreparably strained and before offensive conduct continues or escalates.

The department also encourages good-faith reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been exposed to such conduct or have witnessed such contact should discuss their concerns with a supervisor, an office director, the Human Resources Manager, or the Executive Director of the department.

Adverse actions taken in retaliation against an individual for reporting sexual harassment or other unlawful discrimination or for participating in an investigation of a claim of harassment or discrimination constitute a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. An individual making a report shall be advised of the prohibition against retaliation at the time the individual makes the report. As appropriate, remedial measures will be discussed with the individual who made a report.

B. Investigation

If the problem is not resolved informally to the satisfaction of the individual who made the report, the Human Resources Manager will promptly conduct an investigation of the report. All information will be maintained on a confidential basis to the greatest extent possible. Only those who need to know in order to accomplish the purpose of the investigation shall be provided with the identity of the complainant and the allegations. All parties, including the complainant and the alleged harasser, contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action.

C. Resolution

If the investigation supports a finding of a violation of this policy, prompt and effective remedial action will be taken. Responsive action may include, but is not limited to, training, referral to counseling, or disciplinary action as the department determines appropriate under the circumstances. Disciplinary action may include, but is not limited to, warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

If the investigation does not support a finding that this policy has been violated, the individual making the complaint and the individual against whom the allegation was made shall be so advised. Both will be advised that retaliation for making the complaint is prohibited.

D. Appeal

If a party involved in the reported incident does not agree with its resolution, that party may appeal by initiating a grievance at Step III in accordance with the grievance procedures adopted by the Legislative Policy Committee as described in Section 10 of the Personnel Guidelines for the Department of Legislative Services.

IV. Policy Summary

This policy reflects the strong commitment of the Department of Legislative Services to providing its employees with an environment free from unlawful discrimination, including sexual harassment, and from retaliation for exercising rights under this policy. The department is committed to investigating reports of discrimination, harassment, and retaliation promptly and thoroughly, regardless of who brings them or against whom they are brought.

The Human Resources Manager is directed to report annually to the Legislative Policy Committee the number of incident reports made each year, by type of workplace harassment and resolution.

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

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