

Section 2.2—Sexual Harassment

(1) Statement of Policy

The General Assembly does not tolerate sexual harassment in any form. It is the policy of the General Assembly to create and maintain a working environment in which everyone is treated with dignity and respect. Each individual who works at the Capitol complex or off-site where legislative business is conducted has the right to a workplace that is free from sexual harassment, both subtle and overt. Therefore, the General Assembly will strive to eliminate all sexually harassing behavior that legislators, legislative employees, interns, legislative fellows, and third parties may encounter in the course of their work at the Capitol complex or off-site where legislative business is conducted. It is the responsibility of each individual who works at the Capitol complex or off-site where legislative business is conducted to maintain a respectful work environment free from sexual harassment, sexually offensive behavior, and retaliation. Violation of this policy will result in disciplinary action as described in this policy.

(2) Scope of Policy

This policy applies to legislators, legislative employees, interns assigned to the General Assembly, and legislative fellows. This policy covers the interaction of these individuals away from the Capitol complex at legislative-sponsored events, professional meetings or seminars, and those activities that involve legislative business. If not covered by this policy, the General Assembly will make reasonable efforts to assist individuals who are outside the scope of this policy in finding appropriate avenues for seeking redress or filing a complaint. Proper authorities will be notified in cases of alleged criminal misconduct.

(3) Definitions

Appointing Authority - defined in Section 4.1(3) of the Employee Handbook.

Capitol complex - the State Capitol Building, the Legislative Office Building and their parking facilities and surrounding grounds for which the Joint Committee on Legislative Management has sole responsibility for supervision, security, utilization and control, and any other location where legislative employees are permanently located.

Complainant - an individual who alleges that another individual has violated this policy.

Day - a calendar day.

Designated Office Contact - the male and female designees from each office who may serve as the first point of contact for a sexual harassment concern and whose names are published in the legislative bulletin as contacts in their office for sexual harassment complaints.

Executive Director - the executive director of the Joint Committee on Legislative Management who also functions as office director of the Office of Legislative

Management.

Investigating Authority - the individual investigating an alleged violation of this policy. For purposes of this policy, the investigating authority may include human resources or an outside contractor.

Legislative employee - a regular full-time employee, regular part-time employee, sessional employee, or interim employee.

Legislative fellow - a graduate student from a university or college working temporarily in a nonpartisan office.

Legislative intern - a participant in the Legislative Intern Program or an intern brought on informally by a legislator or office.

Office Director - defined in Section 1.2 of the Employee Handbook.

Personnel Policies Subcommittee - The Senate President Pro-Tempore, Senate Majority Leader, Senate Minority Leader, Speaker of the House of Representatives, House Majority Leader, and House Minority Leader.

Respondent - an individual accused of violating this policy.

Third Party - media personnel, lobbyist, state employees who are not legislative employees, contractual employee or vendor of the General Assembly, or member of the general public having business at or visiting the Capitol complex.

(4) *Sexual Harassment and Sexually Offensive Behavior Defined*

Sexual harassment is defined by Section 46a-60(b)(8) of the Connecticut General Statutes as "any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (C) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Both the law and this policy prohibit any individual who is in a position of authority or has control over the working conditions of another from engaging in this behavior. In all cases, an express or implied request for any sexual activity in exchange for employment, promotion, or other advantage constitutes sexual harassment. Under the law, this is called "quid pro quo" sexual harassment.

(5) *Hostile Work Environment*

This policy also prohibits conduct that would constitute sexual harassment by creating a hostile work environment. The following is a non-exhaustive list of conduct or communications that may be offensive and therefore create a hostile working environment:

- (a) Verbal:
 - 1. sexual comments, compliments, innuendoes, or suggestions about an individual's clothing, body, sexual attributes, or sexual activity; or
 - 2. turning of work discussions to sexual topics, such as sexual practices or preferences; or
 - 3. telling sexual jokes or stories; or
 - 4. using obscene or sexual words or phrases to describe an individual; or
 - 5. unwelcome verbal advances or propositions.

- (b) Nonverbal:
 - 1. displaying sexually explicit pictures or objects in the work area; or
 - 2. unwelcome giving of personal gifts of any nature; or
 - 3. making unwelcome visits or telephone calls of a personal nature; or
 - 4. unwelcome kissing, touching, patting, pinching, or brushing against another's body; or
 - 5. sexual assault; or
 - 6. indecent exposure; or
 - 7. unwelcome electronic communication of a sexual or intimate nature via email, text, or social media; or
 - 8. other unwelcome sexual contact of any kind.

Both the law and this policy prohibit any individual from engaging in this behavior.

These examples are illustrative of the communications and conduct that may constitute a hostile working environment if unwelcome and depending upon the totality of the circumstances. In that regard, the following should be kept in mind:

- (i) A single incident may or may not constitute sexual harassment.
- (ii) Whether a particular action is sexual harassment will depend on the facts and determinations will be made on a case-by-case basis.
- (iii) Conduct or communications that might be welcome to one individual may be unwelcome to another individual. Conduct or communications that might have been welcome between two individuals at one time may become unwelcome at a later time.
- (iv) Other conduct or a communication not expressly described in the examples, but which is substantially similar to the examples, may be a violation of this policy.

(6) *Retaliation*

Adverse actions taken in retaliation against an individual for reporting sexual harassment or for participating in an investigation of a claim of harassment constitute a serious violation of this policy, and like harassment itself, will be subject to disciplinary action. Retaliation may include, but is not limited to, denial of a promotion, a demotion,

intimidation, harassment, or conduct by anyone in the workplace that could reasonably be expected to have an adverse impact on an individual's performance. Any individual who believes that he or she may have been the subject of retaliation should report that information to human resources.

(7) *Responsibility of Legislators, Legislative Employees, Interns and Fellows*

An individual shall not engage in behavior that constitutes sexual harassment, retaliation or related misconduct. The General Assembly will not tolerate violations of this policy and encourages individuals who have been subjected to sexual harassment, retaliation or related misconduct to report such acts as soon as possible, but not later than 300 days after a violation has occurred in order to preserve the complainant's rights before the state Commission on Human Rights and Opportunities (CHRO). The General Assembly is committed to investigating complaints brought forth at any time and all complaints will be given a thoughtful, thorough and timely response.

(8) *Supervisor Responsibility*

Each supervisor has a responsibility to monitor working conditions in order to detect violations and to be proactive and take corrective action, assuring that all complaints receive a thoughtful, thorough and timely response.

(9) *Human Resources Responsibility*

Human resources has a responsibility to strive to maintain a workplace free of any form of sexual harassment, retaliation or related misconduct, to monitor working conditions in order to detect violations and to be proactive and take corrective action immediately. Human resources is also responsible for disseminating the Sexual Harassment Policy and Complaint Procedure, providing sexual harassment prevention training and monitoring compliance under subdivision (10), and assuring that all complaints receive a thoughtful, thorough and timely response.

(10) *Sexual Harassment Prevention Training*

All regular employees are required to take two hours of training within 6 months of hire and every two years thereafter. Sessional employees, legislative interns and fellows are also required to attend sexual harassment prevention training. Newly elected legislators are required to take two hours of training not later than February 1 or, in the case of a special election, within 30 days of being sworn in, whichever is earlier. Training is required every two years thereafter. The General Assembly shall provide an annual informational session to inform third parties of the legislative policy and procedures.

A. Policy on Sexual Harassment Complaints

All complaints are presumed to be made in good faith.

(1) *Principles*

The following principles shall be observed in the complaint procedure:

- (a) Complaints shall be handled in a manner that will assure confidentiality to the extent that is appropriate.

- (b) The rights of the complainant shall be respected. These rights include the rights to bring a complaint without retaliation and to notice of action taken on the complaint.
- (c) The rights of the respondent also shall be respected. These rights include the right to notice of the content of the complaint, and an opportunity to address the accusations.
- (d) Appropriate records and documentation of each complaint and how the complaint is remedied shall be maintained by the Office of Legislative Management.
- (e) All concerned shall make every effort to resolve a complaint in the most expedient manner possible.

(2) *Investigation*

Each complaint will be investigated promptly by interviewing the complainant, the respondent, witnesses or any other individual having direct knowledge and by considering the circumstances surrounding the alleged incident or incidents which form the basis of the complaint.

B. Complaint Procedures - within the General Assembly

A sexual harassment complaint may be made in accordance with this subsection. Any legislator, employee or designated outside party who receives a sexual harassment complaint shall report the complaint to human resources, regardless of whether such person is designated to receive a complaint under this procedure.

When a complaint is made under this subsection, human resources shall immediately take appropriate action to ensure that the complainant and affected parties have a safe and non-hostile working environment. Human resources will respond as necessary upon finding that inappropriate workplace conduct, or sexual harassment has taken place.

A complaint made under this policy may be exempted from disclosure under the Freedom of Information Act to the extent allowed by section 1-210(b)(2) of the General Statutes or other law, except that the complaint shall be disclosed to necessary parties under reasonable circumstances. Such reasonable circumstances may include notification of proper authorities in the case of alleged criminal misconduct or disclosure of information upon a finding of probable cause that a violation of this policy has occurred.

A complaint shall be received and investigated as follows:

(1) *Informal Complaint*

To foster prompt resolution and promote open communication, an individual may discuss a potential violation of this policy with any of the following persons without filing a formal complaint:

- (a) An immediate supervisor;
- (b) A chief of staff or office director;

- (c) Human resources;
- (d) An appointing authority; or
- (e) A designated office contact

Filing an informal complaint under this subdivision does not preclude an individual from pursuing other available options.

(2) *Formal Complaint*

A formal complaint may be filed within a reasonable time after the event or occurrence giving rise to the complaint, but not later than 300 days after a violation has occurred in order to preserve the complainant's rights before the state Commission on Human Rights and Opportunities (CHRO).

(a) *Complaint by a Legislator, Legislative Employee, Legislative Fellow or Legislative Intern*

A complaint by a legislator, employee, fellow or intern may be submitted orally or in writing to any one of the following:

- (i) An immediate supervisor;
- (ii) A chief of staff or office director;
- (iii) Human resources;
- (iv) An appointing authority; or
- (v) A designated office contact

If a complaint is made against the Executive Director, the Human Resources Administrator shall provide written notice of the complaint to each member of the Personnel Policies Subcommittee.

(b) *Complaint by a third party*

A complaint by a third party may be submitted orally or in writing to any one of the following:

- (i) Human resources;
- (ii) A chief of staff or office director;
- (iii) An appointing authority; or
- (iv) A designated office contact

(c) *Complaint against a Third Party*

A complaint against a third party may be submitted orally or in writing to any one of the following:

- (i) Human resources;
- (ii) A chief of staff or office director;
- (iii) An appointing authority; or
- (iv) A designated office contact

(3) *Complaint Procedure*

If an individual files a complaint, or it is determined by human resources that an investigation is warranted, an investigation will ensue. If deemed appropriate, an outside contractor may be called on to investigate a complaint or a committee of inquiry may be appointed to further examine the matter.

The investigating authority shall:

- (a) ascertain the complainant's name, job title, and workplace address and phone number;
- (b) obtain a description of the facts and circumstances the complainant believes constitute the basis for the complaint;
- (c) inquire if the complainant spoke directly to the respondent, the results, and why the results are not satisfactory; and
- (d) determine the type of corrective action the complainant seeks.

The investigating authority shall investigate the complaint and may meet with the complainant, respondent and others to discuss the complaint. Not later than 21 days after receiving the complaint, the investigating authority shall respond in writing to the complainant and send (if applicable) a copy of the complaint and the response to the complainant's appointing authority and to human resources.

If the investigating authority determines more time is required to complete the investigation or render a decision, the Human Resources Administrator may extend the time limit for rendering a decision by up to 15 days.

(4) *Completed investigation; Reprimand*

Violations of this policy will result in discipline as outlined below. As a general rule, discipline will be assessed proportionate to the seriousness of the violation.

A. Action against legislative employee, intern or legislative fellow

If the investigating authority determines that a legislative employee, intern or legislative fellow has violated this policy, the Human Resources Administrator shall provide written notice of the determination to the person's appointing authority. The appointing authority will impose discipline which may include:

- (i) Oral or written warning,
- (ii) Reprimand,
- (iii) Suspension, with or without pay,
- (iv) Reduction in pay or job classification, and
- (v) Discharge for misconduct.

B. Action against legislator

If the investigating authority determines that the Senate President Pro Tempore, Senate Majority Leader or Senate Minority Leader has violated this policy, the Human Resources Administrator shall provide written notice of the determination to the Senate Chairpersons or Senate Ranking Members of the joint standing committees of the General Assembly having cognizance of matters relating to judiciary and government administration and elections, who are of the same political party as the President Pro Tempore, Majority Leader or Minority Leader who was found to have violated this policy.

If the investigating authority determines that the Speaker of the House of Representatives, House Majority Leader or House Minority Leader has violated this policy, the Human Resources Administrator shall provide written notice of the determination to the House Chairperson or House Ranking Member of the joint standing committees of the General Assembly having cognizance of matters relating to judiciary and government administration and elections, who are of the same political party as the Speaker, Majority Leader or Minority Leader who was found to have violated this policy.

If the investigating authority determines that any other legislator has violated this policy, the Human Resources Administrator shall provide written notice of the determination to the legislative leader and the chief of staff of the legislator's caucus.

Any person who receives written notice of a determination that a legislator has violated this policy shall impose or recommend discipline, which may include:

- (i) Oral or written warning,
- (ii) Reprimand,
- (iii) Reassignment, with any corresponding reduction in pay,
- (iv) Appointment of a committee of inquiry to further examine the matter, and
- (v) Expulsion from the General Assembly pursuant to the rules of the applicable house and Article III, Section 13 of the Connecticut Constitution.

C. Action against a third party

If the investigating authority determines that a third party or other individual who is not a legislator, legislative employee, intern or legislative fellow has violated this policy, the Human Resources Administrator shall provide written notice of the determination to each member of the Personnel Policies Subcommittee, and discipline may be imposed, which may include:

- (i) Notifying the individual's employer;
- (ii) Removal from or denying access to legislative buildings or activities, and
- (iii) Any appropriate action authorized by law.

(5) *Review of complaint*

If the complainant is not satisfied with the determination, the complainant may request a review of the determination by his or her appointing authority. The request for review shall be in writing and shall be submitted not later than 15 days following the determination, with a copy to the investigating authority. The appointing authority or his or her designee

may meet with the complainant and the investigating authority to discuss the complaint and determination. Not later than 30 days after receiving the request for review, the appointing authority shall respond in writing to the complainant.

(6) *False Information and Complaints*

If, after investigating a complaint, it is determined that an individual has maliciously filed a false complaint, or maliciously provided false information materially related to the complaint, appropriate disciplinary action including discipline under this subsection will be taken.

(7) *Respondent employee appeal*

In the event of a suspension, pay reduction or discharge for sexual harassment misconduct, a respondent employee may appeal the decision in accordance with Section 11.2 of the Employee Handbook.

A decision on the appeal shall be in writing and shall be sent to the respondent employee within 45 days following receipt of the appeal. The discipline imposed for sexual harassment misconduct will remain in effect, but may be temporarily suspended, pending a decision on the appeal.

C. Complaint procedures - with state or federal commission

An individual also may file a complaint of sexual harassment with:

- (1) The Connecticut Commission on Human Rights and Opportunities (CHRO):
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
Phone: 860-541-3400
Connecticut Toll Free 1-800-477-5737
TDD: 860-541-3400
URL: <http://www.ct.gov/chro>

A written complaint must be filed with the CHRO within 300 days of the date when the alleged sexual harassment occurred. A complaint that is filed with the CHRO is automatically filed with the Equal Employment Opportunity Commission (EEOC).

- (2) The EEOC Boston Area Office:
John F. Kennedy Federal Building,
475 Government Center
Boston, MA 022203
Phone: 1-800-669-4000
Fax: 617-565-3196
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
URL: <https://www.eeoc.gov/field/boston/index.cfm>

Ordinarily, The EEOC does not investigate a complaint until the CHRO has completed its investigation. However, if the CHRO has not completed its investigation within 60 days of filing, the complainant may ask the EEOC to do so at that time. If a complainant does not file a state complaint with the CHRO, and 300 days have passed since the alleged sexual harassment occurred, the complainant may still file a complaint with the EEOC. However, the complaint must be filed with the EEOC within 300 days of the date when the alleged sexual harassment occurred.