

1 SR51  
2 189889-1  
3 By Senators Hightower, Shelnut, Brewbaker, Pittman, Sanford,  
4 Chambliss, Coleman-Madison, Dunn, Reed, Livingston, Ward,  
5 Bussman and Holtzclaw  
6 RFD: Rules  
7 First Read: 08-FEB-18

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8 ADOPTING THE LEGISLATIVE POLICY ON SEXUAL  
9 HARASSMENT.

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11 WHEREAS, the Legislature of the State of Alabama is  
12 committed to creating and maintaining a work environment in  
13 which all members and employees are treated with respect and  
14 are free from sexual harassment; and

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

19 WHEREAS, Section 29-4-25 of the Code of Alabama  
20 1975, gives the Senate members of the Legislative Council the  
21 authority to regulate the employees of the Senate; now  
22 therefore,

23 BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF  
24 ALABAMA, That the following policy and procedure, as  
25 previously adopted by the Legislative Council, shall be the  
26 sexual harassment policy of the Senate of the Alabama  
27 Legislature:

1           (1) The Legislature as part of its affirmative  
2           action efforts for the legislative branch of government and  
3           pursuant to the guidelines on sex discrimination issued by the  
4           Equal Employment Opportunity Commission, fully supports the  
5           protection and safeguarding of the rights and opportunities of  
6           all people to seek, obtain, and hold employment without  
7           subjection to sexual harassment of any kind in the work place.

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

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

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

1 involved in the business of the Legislature by doing any of  
2 the following:

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

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

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

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

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

25 (a) Verbal. Sexual innuendoes, suggestive comments,  
26 and jokes of a sexual nature and demeaning references.

1           (b) Nonverbal. Sexually suggestive objects or  
2 pictures, graphic commentaries, suggestive or insulting  
3 sounds, leering, whistling, and obscene gestures.

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

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

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

22           (9) All complaints shall be handled in a timely and  
23 confidential manner. In no event shall information concerning  
24 a complaint be released to anyone who is not involved with the  
25 investigation. No person involved shall discuss the subject  
26 outside the investigation. The purpose of this provision is to  
27 protect the confidentiality of the person who files a

1 complaint, to encourage the reporting of any incidents of  
2 sexual harassment, and to protect the reputation of any person  
3 wrongfully charged with sexual harassment.

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

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

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

22 (13) The form of any disciplinary action for a  
23 member of the Legislature or any other person involved in the  
24 business of the Legislature shall be determined in accordance  
25 with Section 53 of the Official ReCompilation of the  
26 Constitution of Alabama of 1901, as amended.

1                   (14) The Secretary of the Senate shall adopt  
2                   procedures to implement and publicize this policy.