

H-8067

1 Amend House File 2409 as follows:

2 1. Page 1, after line 2 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. 2.34 Harassment and  
4 bullying prohibited — policy.

5 1. *Definitions.* For purposes of this section,  
6 unless the context otherwise requires:

7 a. *“Electronic”* means any communication involving  
8 the transmission of information by wire, radio,  
9 optical cable, electromagnetic, or other similar  
10 means. *“Electronic”* includes but is not limited to  
11 communication via electronic mail, internet-based  
12 communications including social networking sites, pager  
13 service, cell phones, electronic text messaging, or any  
14 other electronic communication site, device, or means.

15 b. *“Harassment”* and *“bullying”* shall be construed to  
16 mean any electronic, written, verbal, or physical act  
17 or conduct toward a member which is based on any actual  
18 or perceived trait or characteristic of the member  
19 or any other reason and which creates an objectively  
20 hostile environment that meets one or more of the  
21 following conditions:

22 (1) Places the member in reasonable fear of harm to  
23 the member’s person or property.

24 (2) Has a substantially detrimental effect on the  
25 member’s physical or mental health.

26 (3) Has the effect of substantially interfering  
27 with a member’s performance in the general assembly.

28 (4) Has the effect of substantially interfering  
29 with the member’s ability to participate in or benefit  
30 from the services, activities, or privileges provided  
31 by the general assembly.

32 c. *“Member”* means a member of the general assembly.

33 d. *“Trait or characteristic of the member”* includes  
34 but is not limited to age, color, creed, national  
35 origin, race, religion, marital status, sex, sexual  
36 orientation, gender identity, physical attributes,  
37 physical or mental ability or disability, ancestry,  
38 political party preference, political belief,  
39 socioeconomic status, or familial status.

40 2. *Policy.* On or before January 1, 2015, the  
41 legislative council shall adopt a policy prohibiting  
42 harassment and bullying in the general assembly, in  
43 the capitol building and capitol grounds, and at any  
44 legislative function or activity regardless of its  
45 location. The legislative council shall make a copy  
46 of the policy available to all members, officers,  
47 and employees of the general assembly and shall take  
48 all appropriate steps to bring the policy against  
49 harassment and bullying and the responsibilities  
50 set forth in the policy to the attention of members,

1 officers, and employees of the general assembly.  
2 The policy shall, at a minimum, include all of the  
3 following components:  
4     *a.* A statement declaring harassment and bullying to  
5 be against state policy. The statement shall include  
6 but not be limited to the following provisions:  
7         (1) Members, officers, and employees of the general  
8 assembly shall not engage in harassing and bullying  
9 behavior in the general assembly, in the capitol  
10 building and capitol grounds, or at any legislative  
11 function or activity.  
12         (2) Members, officers, and employees of the general  
13 assembly shall not engage in reprisal, retaliation,  
14 or false accusation against a victim, witness, or an  
15 individual who has reliable information about such an  
16 act of harassment or bullying.  
17     *b.* A definition of harassment and bullying as set  
18 forth in this section.  
19     *c.* A description of the type of behavior expected  
20 from members, officers, and employees of the general  
21 assembly relative to prevention measures, reporting,  
22 and investigation of harassment or bullying.  
23     *d.* The consequences and appropriate remedial action  
24 for a person who violates the antiharassment and  
25 antibullying policy.  
26     *e.* A procedure for reporting an act of harassment  
27 or bullying, including the identification by job title  
28 of the official responsible for ensuring that the  
29 policy is implemented, and the identification of the  
30 person or persons responsible for receiving reports of  
31 harassment or bullying.  
32     *f.* A procedure for the prompt investigation  
33 of complaints, either identifying the individual  
34 responsible for conducting the investigation, including  
35 a statement that investigators will consider the  
36 totality of circumstances presented in determining  
37 whether conduct objectively constitutes harassment or  
38 bullying under this section.  
39     *g.* A statement of the manner in which the policy  
40 will be publicized.  
41     *h.* A procedure for documenting the actions taken  
42 by the general assembly to investigate and respond to  
43 harassment or bullying.  
44     3. *Programs encouraged.* The legislative council is  
45 encouraged to establish programs designed to eliminate  
46 harassment and bullying in the general assembly. To  
47 the extent that funds are available for these purposes,  
48 the legislative council shall do the following:  
49     *a.* Provide training on antiharassment and  
50 antibullying policies to members, officers, and

1 employees of the general assembly.  
2 *b.* Develop a process to provide members, officers,  
3 and employees of the general assembly with the skills  
4 and knowledge to help reduce incidents of harassment  
5 and bullying.  
6 *4. Authority off capitol grounds.* The legislative  
7 council may investigate and impose discipline or take  
8 other action in the case of an alleged incident of  
9 harassment or bullying, including cyberbullying, that  
10 occurs outside of the general assembly, the capitol  
11 building and capitol grounds, or any legislative  
12 function or activity if all of the following apply:  
13 *a.* A member, officer, or employee of the general  
14 assembly or a constituent reports an incident of  
15 harassment or bullying pursuant to the general  
16 assembly's policy adopted under subsection 2, paragraph  
17 "e".  
18 *b.* The alleged incident of harassment or bullying  
19 has an effect on the capitol grounds that creates an  
20 objectively hostile environment that meets one or more  
21 of the conditions set out under subsection 1, paragraph  
22 "b".>  
23 2. Title page, line 2, by striking <policies>  
24 and inserting <policies, providing for a legislative  
25 antiharassment and antibullying policy,>  
26 3. By renumbering as necessary.

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SCHULTZ of Crawford