

Discrimination, Harassment & Retaliation

The Iowa House of Representatives is committed to providing all of its employees with a workplace free from unlawful discrimination, harassment and retaliation.

The House maintains a strict policy prohibiting discrimination and harassment on the basis of race, color, national origin, religion, sex (including pregnancy), physical or mental disability, age, marital status, veteran status, gender identity, sexual orientation, or any other characteristic protected by applicable laws.

Sexual Harassment

Sexual harassment is prohibited under Iowa Code Chapter 216 and Section 19B.12- As defined in Code Section 19B.12, sexual harassment means persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment.

Conduct of a sexual nature that interferes with, or affects employment decisions regarding an employee, or creates an intimidating, hostile, or offensive work environment for an employee, shall constitute unlawful behavior.

Examples of two types of sexual harassment;

“Quid Pro Quo”- may be translated to “this for that”, when unwelcome sexual conduct is directed at a person, and their submission to or rejection of such conduct is used for employment or other applicable decisions affecting that person.

“Hostile environment”- occurs when an employee has experienced sufficiently severe or pervasive sexually offensive behavior that it alters the conditions of the person’s employment and creates a hostile or abusive working environment.

This behavior can include inappropriate jokes, discussing sexual activities, posting sexually explicit photos/pictures/video, touching, or other unwelcome conduct based on sex and can be created by anyone in the work environment i.e., supervisor, coworkers, lobbyists.

Sexual Harassment shall include but is not limited to the following:

- Sexual pranks, or repeated teasing, jokes, or innuendo;
- Verbal abuse of a sexual nature;
- Repeatedly making sexually suggestive gestures;
- Touching or grabbing of a sexual nature;
- Repeatedly standing too close to or intentionally brushing up against a person;
- Giving sexually suggestive gifts or displaying in the workplace sexually suggestive objects;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated that he or she is not interested;
- Making or posting sexually demeaning or offensive pictures, cartoons, or other material in the workplace or transmitting in any format including social media; or
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment

Sexual harassment may occur in a variety of employment situations. The harasser may be the employee's co-worker, supervisor, or someone who is not an employee of the House of Representatives.

Sexual harassment can occur between employees of the opposite sex or of the same sex. Anyone affected by the offensive conduct may assert a claim of sexual harassment; it is not limited to the person to whom the harassment was directed.

Unlawful sexual harassment may occur without economic injury to or discharge of the target from employment.

Other Types of Harassment

Harassment: definition; a form of discrimination based on any protected characteristic (race, color, national origin, religion, sex (including pregnancy), physical or mental disability, age, marital status, veteran status, gender identity, sexual orientation, or any other characteristic protected by applicable laws. Harassment of an individual based on any protected characteristic is unlawful if submission to or rejection of such conduct by an individual is made the basis for an employment decision affecting the individual; or such conduct is sufficiently severe or pervasive to create a hostile work environment.

This policy applies to all employees (to include Representatives, staff, pages) volunteers, credentialed members of the media, vendors, registered lobbyists and interns; who are covered by and expected to comply with this policy, and to take appropriate measures to ensure that prohibited conduct does not occur.

All complaints of unlawful discrimination, harassment and retaliation will be investigated in a timely and impartial manner, and confidentiality will be maintained to the greatest extent possible.

Representatives, lobbyists and clients of lobbyists engaging in unlawful discrimination, harassment or retaliation will be subject to the House Ethics Rules and penalties levied by the House of Representatives.

When conducting business with the House- lobbyists, employees from other government offices, vendors and others are expected to conduct themselves in a manner that complies with this policy.

Staff conduct that results in unlawful discrimination or harassment against other employees, lobbyists, news media or others will be investigated and may result in disciplinary action, up to and including termination.

Such prohibited harassment includes, but is not limited to, the following:

1. Verbal conduct, such as threats, demands, epithets, derogatory comments, slurs or suggestions that an employee's work status is contingent upon submission to harassment.
2. Visual conduct, to include the delivery of derogatory posters, photographs, cartoons, drawings, or gestures transmitted in any format, including social media.
3. Subjecting an employee to demeaning or degrading activities in order to gain co-worker acceptance (e.g. hazing).
4. Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricature.
5. Physical conduct, such as assault, unwanted touching or blocking normal movement.
6. Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment/workplace environment investigation.

Complaint Procedures

The House will examine all complaints of unlawful discrimination, harassment or retaliation in a professional, impartial and timely manner, and take appropriate prompt remedial action. Information gathered during the complaint process will be treated confidentially to the greatest extent possible.

Persons in positions of authority (Speaker of the House, Majority Leader, Minority Leader, and Supervisors) will act immediately when informed of, becoming aware of, or witnessing any alleged violations of this policy by informing and working with Human Resources regarding any investigative or remedial actions.

Supervisors and Leaders will report to Human Resources instances of unlawful discrimination, harassment, or retaliation of which they are aware in their responsibility even in the absence of a complaint under this policy. Management will encourage any person to come forward and report violations of this policy. Where investigations establish that a violation has occurred, the responsible Supervisor/Leader will take prompt remedial action, to include possible disciplinary actions.

The Director of Human Resources will refer complaints to external investigators when the House remedies in this policy have been exhausted and the complainant requests additional investigation or the complainant requests an external investigator before or during the investigation.

No individual will be subject to retaliation for- reporting (in good faith) unlawful discrimination or harassment or participating in an investigation of such a complaint. In all complaint investigations, reasonable measures will be taken to protect a reporting or participating individual from any retaliatory behavior.

Complaint Procedures - continued

Reporting a complaint in good faith will not be used against a person or have an adverse effect on employment or other status with the House.

Please be reminded, no individual will be subject to retaliation for reporting in good faith harassment or participating in a harassment investigation.

In addition to this complaint process, persons believing they are targets of unlawful discrimination, harassment, or retaliation may file a complaint with the Iowa Civil Rights Commission or other applicable federal, state or local agency with jurisdiction over the House.

1. If someone believes they have been subjected to or witnessed unlawful harassment, discrimination, or retaliation, they should immediately notify the Director of Human Resources or their immediate supervisor and or one of these party leaders; Speaker of the House, Majority Leader, or Minority Leader.

Individuals who wish to file complaints involving their direct supervisor should do so to the Director of Human Resources, the Chief Clerk of the House, or their respective member of leadership. (Speaker of the House, Majority Leader, or Minority Leader.)

2. The House will review verbal and written complaints received by Human Resources and Supervisors containing details to determine if the complaint states a potential violation of this policy. An individual desiring to report a complaint under this policy, ("Complainant") may speak with or utilize a complaint form obtained from the Director of Human Resources, their Supervisor or available on the General Assembly Intranet Home Page. If a supervisor becomes aware that unlawful harassment or discrimination is occurring, either from personal observation or upon receipt of a complaint, the supervisor will immediately report it to the Director of Human Resources. Failure by a supervisor to report a discrimination or harassment complaint to Human Resources and leadership will be considered a violation of this policy.
3. The Director of Human Resources upon receiving the complaint, will notify as soon as practicable the person(s) named in the complaint ("Respondent(s)") of the claim and will initiate an investigation to determine whether there is a reasonable basis for believing that a violation of this policy occurred.
4. The Director of Human Resources shall be the designated investigator in all cases except when the Director of Human Resources or the Chief Clerk of the House appoints an alternate investigator, including an outside investigator, when necessary to conduct the investigation. The investigator will interview the complainant, respondent, and any witnesses; gather and review any other available evidence; and make any necessary determinations as to whether there is credible evidence to support that the alleged conduct occurred.

Complaint Procedures - continued

5. The investigator shall make reasonable effort to complete the investigation within 15 business days. The investigator shall submit a written report to either the individual's supervisor or appropriate leadership, as the investigator deems appropriate.

The written report will contain at least the following: a summary of the complaint; a list of witnesses and other evidence reviewed by the investigators and summary of information gathered; a statement of any undisputed facts; findings on any disputed material facts; and a determination by the investigator of whether the available evidence supports finding that a violation of this policy occurred.

6. If the investigator determines that it is more likely than not that a violation of this policy occurred, the report shall include proposed remedial actions based on;
 - a. The severity, frequency, and pervasiveness of the conduct;
 - b. Prior complaints made against the respondent;
 - c. The quality of the evidence considered by the investigator (e.g. first-hand knowledge, credible corroboration).

If the investigation is inconclusive or the investigator determined there is no violation of this policy, but inappropriate conduct, may have occurred, the report may recommend appropriate potential preventive or remedial action.

7. The investigator will meet individually within three business days after the conclusion of the investigation with the complainant and the respondent to notify them of the findings of the investigation and any recommended actions.
8. The complainant or the respondent may submit to the investigator a statement challenging the factual basis of the findings. Individuals shall submit their statement no later than three business days after the individual met with the investigator to discuss the results of the investigation.
9. Within 15 business days of the end of the investigation, the investigator will meet with the appropriate House leadership members to review the investigation report and any statements submitted by the complainant or respondent. The investigator will report the House's decision to the complainant, the respondent and their supervisors. The House's decision shall be in writing. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be fulfilled.
10. The Director of Human Resources will direct complaints against Representatives, lobbyists, or clients of lobbyists to the Chief Clerk of the House, and the Chair and Ranking Member of the House Ethics committee. The House Ethics committee will follow the process outlined in the Iowa Code section 68B.31 and/or the House Code of Ethics for handling complaints and take appropriate action as necessary.

Other Remedies

In addition to the Iowa House of Representatives remedies set forth herein, complaints of unlawful discrimination, harassment or retaliation may be filed with the Iowa Civil Rights Commission or the U. S Equal Employment Opportunity Commission.

Cooperation

All Representatives, employees, registered lobbyists, credentialed members of the media, and interns are expected to cooperate with investigations by providing truthful, complete and accurate information to the fullest extent possible.

Confidentiality

Complaints and resulting investigations of discrimination, harassment or retaliation shall be handled confidentially, to the greatest extent possible. Requests by individuals for confidentiality will be considered in the context of the House's legal obligation to act on the complaint, the right of the respondent to obtain information, and any other legal or procedural requirements.

Retaliation

Retaliation- defined as: the act of harming someone for; (not limited to these examples)

- filing or being a witness in a complaint or investigation,
- communicating with a supervisor, Leader or Human Resources Director about employment discrimination, including harassment,
- resisting sexual advances, or intervening to protect others,
- requesting accommodation of a disability or for a religious practice

The House will not tolerate retaliation against any individual who participates in a process outlined in this policy.

Any person who believes they have been retaliated against may direct a complaint with the Director of Human Resources, their supervisor, their respective member of leadership, (Speaker of the House, Majority Leader, Minority Leader) the House Ethics Committee, or local, state or federal agencies or the courts.

Training

The Chief Clerk of the House, in consultation with the Speaker of the House, shall arrange for a mandatory training workshop for all Representatives, employees and interns each year before or shortly after the House convenes.

Participants shall be required to acknowledge in writing their attendance and receipt of the Discrimination, Harassment & Retaliation policy, procedures for complaints and prohibition against retaliation.

The Chief Clerk of the House, in consultation with the Speaker of the House, shall arrange for mandatory leadership (Speaker of the House, Majority Leader and Minority Leader)/supervisory training, including training on preventing and investigating unlawful discrimination, harassment and retaliation prior to the start of each General Assembly.

New or promoted leadership/supervisors will attend in the year they are hired/promoted. Participants shall be required to acknowledge in writing their attendance.

Review

These policies and procedures will be reviewed on an annual basis by House leadership, the Director of Human Resources and the Chief Clerk of the House.

Attachments:

- House Ethics Committee Complaint Form
- House Complaint Form

Iowa General Assembly

HOUSE OF REPRESENTATIVES ETHICS COMPLAINT FORM
Alleging violation of Iowa Code chapter 68B, House Code of Ethics,
Or House Rules Governing Lobbyists

RE:

Name of Respondent (alleged violator)

Respondent's Address (if known):

Street Address/Apartment Number

City/State/Zip Code

Phone number and email address

BY:

Name of Complainant

Complainant's Address:

Street Address/Apartment Number

City/State/Zip Code

Phone number and email address

I, _____, hereby complain that

_____ has engaged in conduct that allegedly violates the provisions of Iowa Code chapter 68B, House Code of Ethics, or House Rules Governing Lobbyists as follows:

That on or about (list date or dates on which the conduct took place):

_____. 20____

_____ did the following:

Name of Respondent

CERTIFICATION BY COMPLAINANT

I, _____, hereby certify that, to the best of my knowledge the information contained in the attached complaint is true and correct. I understand that a person who knowingly files a false complaint is subject to prosecution for and the penalties attached to the crime of perjury.

By filing this complaint I am alleging a violation of Iowa Code chapter 68B, House Code of Ethics, or House Rules Governing Lobbyists.

Subscribed and Affirmed to before me

this _____ day of _____, 20_____.

Notary Public in and for the State of Iowa

I, _____, do hereby certify

that on the _____ day of _____, 20_____,

I received the above certification and attached complaint.

Chief Clerk of the House

**IOWA HOUSE OF REPRESENTATIVES
DISPOSITION OF DISMISSED ETHICS COMPLAINT**

Complainant

Respondent (Party Charged)

Date Complaint Filed

Date Complaint Dismissed

DISMISSED COMPLAINT DISPOSITION

_____ Complaint dismissed due to formal insufficiency
(not sufficient as to form) or,

_____ Complaint dismissed due to failure to meet
content requirements of a valid complaint as provided in House Code of Ethics, Rule 12(c) or,

_____ Complaint dismissed following the appointment of
an independent special counsel.

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