



## I. Discriminatory and Sexual Harassment

Discriminatory and sexual harassment are prohibited and will not be tolerated by the Senate. Any behavior that marginalizes, discriminates against, or sexually harasses an individual that involves or affects Senators, Senate employees, interns, or visitors of the Senate will not be tolerated.

Federal and state laws expressly prohibit discrimination in the workplace based on religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, marital status, or other protected status. All discriminatory harassment, including sexual harassment, of Senators, Senate employees, interns, and visitors is prohibited by federal and state laws, Senate Rules, and Senate policy. For purposes of this policy, the term “visitors” shall mean any person located on or within Senate property or buildings who is not a Senator, Senate employee, or intern. The term “visitors” includes, but is not limited to, constituents, media representatives, vendors, contractors, lobbyists, service persons, and employees of other branches of state government.

The Senate encourages those who experience or witness discriminatory or sexual harassment to report these incidents through the process outlined in this policy and these reports will be taken seriously.

Inappropriate behavior that does not meet the legal definition of discrimination or sexual harassment may be considered a violation of this policy, as determined by the Senate Business Office. Violation of this policy may result in appropriate disciplinary action up to and including termination of employment with the Senate. Nothing stated in this policy alters the nature of an employee’s employment or abridges or infringes upon any privileges or protections afforded under Michigan law.

### A. Application of policy

1. This policy applies to all Senators, Senate employees, and interns. This policy additionally applies to interactions involving visitors of the Senate and any Senator, Senate employee, or intern.

### B. Definition of sexual harassment

1. Michigan law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature if:
  - a. Submission to the conduct or communication is an explicit or implicit term or condition of an individual’s employment;
  - b. Submission to or rejection of such conduct or communication is used as a basis for employment decisions affecting the employee; or
  - c. The conduct or communication has the purpose or effect of substantially interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.



### C. Conduct outside the workplace

1. Conduct relating to legislative business or the holding of Senate office may occur outside the workplace and normal business hours. Conduct outside the workplace can affect the work environment.
2. This discriminatory and sexual harassment policy applies in settings outside of the workplace or normal business hours where legislative business or activities are conducted that relate to the holding of office or employment with the Senate, so that any unwanted, unwelcome, or offensive contact, communication, or conduct occurring in such setting is strictly prohibited.

### D. Third-party harassment

1. The Senate's discriminatory and sexual harassment policy applies to any interaction involving a Senator, Senate employee, or intern. This includes interactions between a Senator, Senate employee, or intern and any visitors of the Senate, regardless of whether the Senator, Senate employee, or intern is the perpetrator or victim of the objectionable behavior. Senators, Senate employees, and interns who encounter objectionable behavior by such third parties in the work environment should follow the complaint resolution process outlined below. Third parties who encounter objectionable behavior by a Senator, Senate employee, or intern should contact the Director of the Senate Business Office at 517-373-1675.

### E. Reporting harassment/complaint resolution

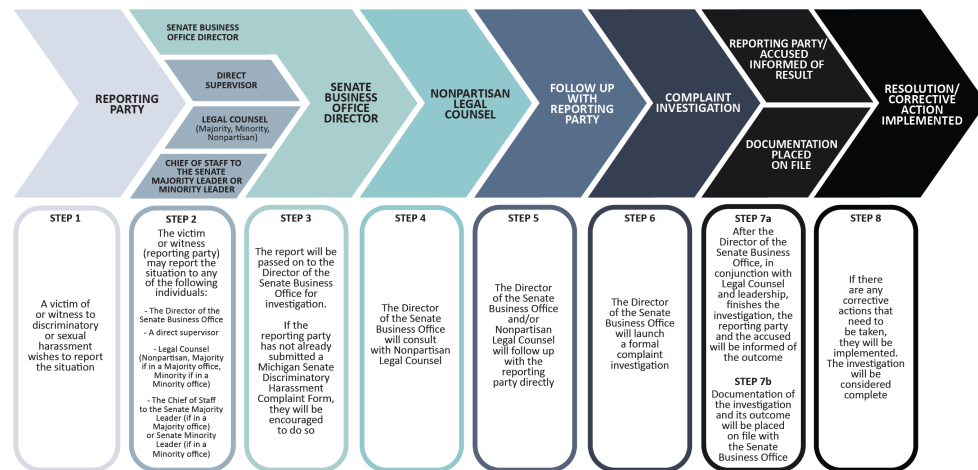
1. Senators, Senate employees, interns, or Senate visitors being harassed are encouraged to first communicate their concerns with the offending person, if possible and appropriate. However, we recognize that in many situations, it may not be possible or appropriate to communicate this concern with the offending person.
2. A Senate employee, intern, or Senator should report the discriminatory or sexual harassment to any one of the following persons:
  - a. A direct supervisor;
  - b. The Director of the Senate Business Office;
  - c. Legal Counsel (Majority/Minority/Nonpartisan);
  - d. The Chief of Staff of the Senate Majority Leader; or
  - e. The Chief of Staff of the Senate Minority Leader (for minority Senators and their staff).



- All reports of discriminatory or sexual harassment shall be forwarded to the Director of the Senate Business Office for investigation. The individual reporting the conduct is encouraged to complete and submit a Discriminatory Harassment Complaint Form to the Director of the Senate Business Office. The Discriminatory Harassment Complaint Form can be found on the Senate Intranet.

The Director of the Senate Business Office, working in conjunction with Legal Counsel, as necessary and appropriate, will supervise all discriminatory and sexual harassment investigations involving any Senate employee or Senator.

The following flowchart outlines the reporting and complaint resolution process:



**F. Confidentiality**

- The Senate understands that it may be difficult to come forward with a complaint of discriminatory or sexual harassment and recognizes a complainant’s interest in keeping the matter confidential. The Senate will promptly and thoroughly investigate all such complaints and will make every effort to preserve confidentiality throughout the investigatory process to the extent practicable and appropriate under the circumstances and will communicate with the person making the complaint in advance of any changes in what is kept confidential.

**G. Disciplinary action**

The Senate is committed to taking appropriate disciplinary action for every substantiated complaint of harassment, whether such substantiated complaint is made against a Senator, Senate employee, or intern. For that reason, under the direction of the Senate Majority Leader or the Senate Minority Leader, as applicable, the leadership of each caucus should discuss, formulate, and communicate expectations for their respective members and the appropriate measures that will be taken if a Senator is found to be in violation of this policy.



1. Upon conclusion of an investigation, any Senate employee or intern found to be in violation of this policy shall be subject to disciplinary action up to and including termination of employment with the Senate.
2. Upon conclusion of an investigation, any Senator found to be in violation of this policy shall be subject to appropriate disciplinary action in accordance with the measures outlined by each caucus, Senate Rules, and/or law.

#### H. Observations of discriminatory or sexual harassment

1. It is the responsibility of all Senators, Senate employees, and interns to report suspected or known discriminatory or harassing behaviors. Senate employees and interns who are made aware of or observe discriminatory or sexual harassment should take appropriate action by informing any of the appropriate persons listed above under Complaint Resolution. Senators and other managers or supervisors who are made aware of or observe discriminatory or sexual harassment have an obligation to promptly inform any of the appropriate persons listed above under Complaint Resolution.
2. Failure to report such knowledge or observation by Senators or Senate employees in supervisory or managerial positions may result in appropriate disciplinary action as determined by the Senate Majority Leader in conjunction with the Director of the Senate Business Office. In accordance with federal and state laws, Senators and Senate employees in supervisory or managerial positions may be subject to personal liability for failure to act.

#### I. Retaliation

1. Retaliation in any form for reporting discriminatory or sexual harassment is strictly prohibited. This includes retaliation against any individual for making a complaint of discriminatory or sexual harassment, opposing sexual harassment, or participating in an investigation under this policy, regardless of whether a policy violation is found, no policy violation is found, or no determination of a policy violation is possible. The Senate will strictly comply with applicable Michigan law in providing for protection against retaliatory measures.

#### J. False accusations

1. Accusations that are found to be intentionally dishonest or malicious will not be tolerated, and any person knowingly making a false accusation may be subject to disciplinary action up to and including termination of employment with the Senate.



K. Education and training

1. The Senate is committed to the training and education of Senators, Senate employees, and interns with regard to this policy. Senators, Senate employees, and interns will receive discriminatory and sexual harassment training upon election or hire, respectively. Additionally, Senators, Senate employees, and interns will be required to attend continuing education training regarding discriminatory and sexual harassment, as determined by the Director of the Senate Business Office. To emphasize the importance of continued education and training with respect to this policy, the Senate Majority Leader, the Senate Minority Leader, or a delegated leadership representative shall speak at the beginning of each Senate-wide training to encourage full participation among Senators, Senate employees, and interns. This encouragement may be given in person or recorded.