State of Alabama
Legislative Council

Alabama State House
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COUNCIL RESOLUTION

ANTI-SEXUAL HARASSMENT POLICIES FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES

WHEREAS, the Alabama Legislature is committed to creating and maintaining a work environment in which all members and employees are treated with respect and are free from sexual harassment; now therefore,

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF ALABAMA, That the following policy and procedure is adopted by the Legislative Council as the sexual harassment policy of the Alabama Legislature, the House of Representatives and Senate included therein:

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

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

3. The Alabama Legislature trusts that all persons involved in the business of the Alabama Legislature, whether a member, officer, supervisor, manager, or employee of the House of Representatives or Senate, lobbyist, or other person involved in the work of the Alabama Legislature, will act responsibly to establish and maintain a pleasant working environment for all.

4. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, and it is against the policy of the Alabama Legislature for any person involved in the business of the Alabama Legislature, male or female, to sexually harass another person involved in the business of the Alabama Legislature by doing any of the following:

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

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

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

5. As used in this policy, sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, and that, therefore, interferes with work effectiveness. Sexual harassment may be overt or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the workplace. Whatever form it takes, verbal, nonverbal, or physical, sexual harassment can be insulting and demeaning to the recipient and will not be tolerated in the workplace.

6. One specific form of harassment is the demand for sexual favors. Other forms may include, but are not limited to, the following:

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

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

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

7. All persons involved in the business of the Alabama Legislature, whether a member, officer, or employee of the House of Representatives, Senate, or a legislative agency, a lobbyist, or other person involved in the work of the Alabama Legislature are expected to comply with this policy and take appropriate measures to ensure that the prohibited conduct does not occur.

8. Any person involved in the business of the Alabama Legislature, whether a member, officer, or employee of the House of Representatives, Senate, or a legislative agency, a lobbyist, or other person involved in the work of the Alabama Legislature who believes that he or she has been the subject of sexual harassment or has observed or heard sexual harassment should report the alleged act immediately to his or her supervisor or to the Clerk of the House or House Human Resources Manager for matters related to the House, or to the Secretary of the Senate for matters related to the Senate, or to the appropriate director of a legislative agency. A complaint against the Clerk of the House shall be filed with the Speaker of the House. A complaint against the Secretary of the Senate shall be filed with the elected Senate members of the Legislative Council. A complaint against a director of a legislative agency shall be filed with the Chair of the Legislative Council.

9. All complaints shall be handled in a timely and confidential manner. In no event shall information concerning a complaint be released to anyone who is not involved with the investigation. No person involved shall discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the person who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any person wrongfully charged with sexual harassment.

10. Investigation of a complaint normally includes conferring with the parties involved and any named or apparent witnesses. Each person has a right to an impartial and fair hearing. All persons shall be

protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.

11. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to immediately stop the harassment and to prevent its recurrence shall be taken. If a valid complaint involves the conduct of a member of the Legislature, the applicable authority as set forth in Section 8 shall refer the matter to the members of the Legislative Council from the House of Representatives for all complaints against a House member and to the elected Senate members of the Legislative Council for all complaints against a Senator.

12. The form of disciplinary action for officers or employees of the House of Representatives shall be considered and decided by the appropriate and applicable House authority; the form of disciplinary action for officers or employees of the Senate shall be considered and decided by the appropriate and applicable Senate authority; and the form of disciplinary action for officers or employees of a legislative agency shall be considered and decided by the appropriate and applicable agency authority. Based on the seriousness of the offense, the action may include, but is not limited to, verbal or written reprimand, suspension, demotion, or termination.

13. The form of any disciplinary action for a member of the Legislature or any other person involved in the business of the Alabama Legislature shall be determined in accordance with Section 53 of the Constitution of Alabama of 2022.

14. The Clerk of the House of Representatives, the Secretary of the Senate, and the directors of all legislative agencies shall adopt procedures to implement and publicize this policy.

Adopted by the Legislative Council March 23, 2023.

Othni J. Lathram, Secretary

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3.23.23 COUNCIL MEETING ACTION

Adopted 3.23.23.