

POLICY AND GUIDELINES
FOR PREVENTION OF SEXUAL HARASSMENT
IN THE WORKPLACE



OF THE LEGISLATURE
OF THE UNITED STATES VIRGIN ISLANDS

2013

**POLICY AND GUIDANCE FOR PREVENTION OF
SEXUAL HARASSMENT IN THE WORKPLACE OF
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PREFACE

POLICY AND GUIDELINES FOR THE PREVENTION OF SEXUAL HARASSMENT IN THE WORK PLACE OF THE LEGISLATURE OF THE VIRGIN ISLANDS

The Legislature of the Virgin Islands (Legvi) of all persons and recognizes the right of equal employment opportunity without regard to race, creed, color, sex, sexual orientation, disability, marital status, religion or national origin. It is the policy of Legvi that all employee of the Legislature must be able to enjoy a work environment free from all forms of prohibited discrimination, including sexual harassment, retaliation and an otherwise hostile environment. It is also the Legvi's requirement that Legvi employees will treat one another with utmost respect.

The Legislature of the Virgin Islands promotes a work environment free of sexual harassment. Sexual harassment, retaliation and the creation of a hostile environment are specifically prohibited as unlawful and constitute a violation of this Policy Guideline Manual. The Legvi is committed to efforts for preventing sexual harassment in the workplace, for taking immediate corrective action to stop sexual harassment in the workplace, and for promptly investigating and reading any allegation of work related sexual harassment.

The Thirtieth Legislature of the Virgin Islands hereby issues this document which is entitled “Policy and Guidelines for the Prevention of Sexual Harassment in the workplace of the Legislature of the Virgin Islands”. The policies and procedures outlined in this document are established to investigate and resolve complaints of sexual harassment and to eradicate and prevent sexual harassment and the creation or perpetuation of a hostile environment in the workplace.

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex in employment. Sexual harassment of employees is a form of discrimination prohibited by Title VII. Sexual harassment is also prohibited by 10 VIC Chapter 5, Section 64a and is consistent with United States Supreme Court precedent and well-established legal principles that have developed under Title VII. This guidance for prevention of sexual harassment in the workplace is consistent with the requirements of title 29 of the Code of Federal Regulations, Part 1604.11 (f).

It is important that this Manual be strictly adhered to because legislative officials, staff and other personnel must understand their obligations under Title VII and Title 10 of the Virgin Islands Code’s Guidance on Sexual Harassment, so as to be in the best position to prevent harassment and to reduce the harm to employees if, despite their best efforts, harassment occurs. This Manual is consistent with the Equal Employment Opportunity Commission’s (EEOC) regulations, which declare “Prevention is the best tool for the elimination of sexual harassment” and the Legislature adds the prevention of the creation of a hostile work environment. The Legislature subscribes to the proposition expressed in Title 10 of the Virgin Islands Code and the EEOC’s Guidance that an employer should take all steps necessary to prevent sexual harassment from occurring,

such as providing training for all Senators and staff, affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions for violation of the ruling, informing employees of their right to raise and how to raise the issue of harassment under title this Manual, Title 10 and Title VII, and developing methods to sensitize all Senatorial employees.

This Manual presents answers to frequently asked questions concerning procedures for addressing sexual harassment complaints and the prevention and resolution of sexual harassment problems in the Legislature.

The prohibition against sexual harassment as set forth in this Manual is effective immediately.

1.00 TO WHOM PERSONS DOES THIS POLICY APPLY?

The policies and procedures set forth in this Manual apply to all Senators and employees of the Legislature of the Virgin Islands, including Central Staff, Senators' staff, contract employees, part-time employees, interns and volunteers.

2.00 WHAT CONSTITUTES SEXUAL HARASSMENT ?

There are principally two (2) manifestations of sexual harassment: Quid Pro Quo and Hostile Environment.

- **Quid Pro Quo** is Latin for "something for something." This type of sexual harassment arises when a person in authority uses his or her power to offer or trade job benefits for sexual favors. For example: Marvin, a supervisor, says to Susan, an administrative assistant: "If you really want to keep your job here, then you will go out with me." Or Alma, a director of a governmental agency, tells

Bob, an agency cashier: "If you want that good recommendation for promotion, I expect you to be a lot friendlier to me personally than you are now."

- **Hostile Environment harassment** covers a broad range of behaviors and

situations. It is most often defined as a pattern of severe and pervasive unwelcome behavior of a sexual nature that has either the purpose or effect of unreasonably interfering with an employee's working conditions or work performance.

Under Title VII of the U.S. Code and Title 10 of the Virgin Islands Code, sexual harassment is a form of sex discrimination, and it is illegal. Further, the Equal Employment Opportunity Commission (EEOC) defines "sexual harassment" in employment as consisting of any type of undesired sexual approach, demand for sexual favors and any other verbal or physical behavior of a sexual nature when one or more of the following circumstances occur:

(a) When submission to sexual conduct becomes, implicitly or explicitly, a term or condition of the person's employment; whether as an applicant, new employee or a long term employee.

(b) When submission to or rejection of sexually charged conduct by the person becomes the grounds for decisions on the job, or regarding the job, that affect the object or recipient of the unwanted attention.

(c) When that conducts has the effect or purpose of interfering unreasonably with the performance of such person's work, or when it creates an intimidating, hostile or offensive work environment.

Sexual harassment appears, but is not limited to, the following forms:

- A man as well as a woman can be the victim of sexual harassment, and a woman as well as a man can be the harasser.
- Sexual harassment does not refer to occasional compliments or welcomed social relationships. Reciprocal attraction is not sexual harassment.
- Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the employees', applicants', and visitors' rights, or the rights of others, and that lowers morale.
- Sexual harassment refers to deliberate or repeated sexually charged behavior, consisting of verbal comments, gestures or physical contact of a sexual nature that is not welcome, that is personally offensive, that lowers morale and that may interfere with work productivity. The unwelcome sexual attention is determined from the perspective of the victim, not the harasser.
- In order to give rise to a complaint under Title VII and Title 10 of the Virgin Islands Code, sexual harassment must be sufficiently persistent, or pervasive that it adversely affects the employee's job performance or creates a hostile or abusive work environment. In order for a one-time incident to rise to the level of sexual harassment, it must be severe nature and content.

2.01 EXAMPLES OF BEHAVIOR THAT CONSTITUTES SEXUAL HARASSMENT

Some common examples of behaviors and situations which could, under certain circumstances, be considered sexual harassment under EEOC guidelines include:

- (a) Continuing to express sexual interest after being informed that the interest is unwelcome;

(b) Unwelcome jokes or stories by a person that are specifically designed to embarrass or humiliate a co-worker, applicant or visitor to the workplace through their sexual subject matter content;

(c) Unwelcome sexual communications designed to arouse another, or unwelcome sexual remarks pertaining to a person's clothing or anatomy;

(d) suggestive, sexual looks and body language; whistling, leering or making suggestive noises or gestures, e-mail, fax transmission, telephone calls, giving of unwelcome gifts or other material of a sexual nature;

(e) Unwelcome sexual advances, requests for sexual favors, or other verbal or physical sexual conduct;

(f) endearing, sexist language such as Honey, Hon, Sweetheart, Sweetie, Babe, Doll, Hot or Hunk;

(g) Unwelcome display of sexually explicit materials such as books, magazines, computer porn sites displays or cell phone images in an individual's place of work;

(h) Repeated, insistent rejected requests for dates;

(i) Creating or arranging work situations or schedules specifically designed to violate privacy in an unwelcome and undesired manner;

(j) Frequent and repeated touching or "brushing against" that is unwelcome; and undesired; such as pinching or intentional brushing against the body;

(k) Physical interference with a person's movements by blocking or narrowing pathways with the design to make contact with the person;

(l) Stalking;

- (m) Sexual assault;
- (n) Rape
- (o) Actions indicating that benefits will be gained or lost based on the person's response to sexual advances;
- (p) Retaliatory actions, such as taking reprisals, threats of reprisals, or implied threats of reprisals following a rejection or negative response. For example, within the work environment, either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance evaluation will be prepared, or suggesting that probation will be failed, or communicating in any manner that an employee will be adversely affected if sexual demands are not met.

2.02 PRINCIPLES REGARDING SEXUAL HARASSMENT:

- The harasser does not have to be the victim's supervisor. The harasser may be a supervisor who does not supervise the victim; a non-supervisory employee (co-worker), or even a non-employee, a vendor or other individual who has business before the Legislature.
- The victim may be male or female and does not have to be of the opposite sex from the harasser.
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is a witness to and personally offended by such conduct when it is directed toward another person. Such conduct can be construed as "third-party" sexual harassment if others in a work unit are affected when a co-worker, who is having a relationship with a manager,

gets promotions, career opportunities, bonuses or other benefits not available to every employee.

- Sexual harassment does not depend on the victim's having suffered an economic or physical injury as a result of the harasser's conduct. It may result in the creation of a hostile environment within which the victim must work.

2.03 LIABILITY OF A BUSINESS OR ENTITY FOR SEXUAL HARASSMENT:

According to the EEOC Guidelines on Discrimination Because of Sex, 29 C.F.R. Part 1604.11(d) with respect to conduct between fellow employees, a business or entity, including the Legislature and its Senators, and Staff may be jointly held responsible for acts of sexual harassment in the workplace where the Senators, its supervisory employees staff or agents knows or should have known of the prohibited conduct, unless the Legislature can show that it took immediate and appropriate corrective action. Pursuant to subsection (e) of Part 1604.11.

The Legislature may also be responsible for the acts of non-employees, such as visitors, vendors or vendors' employees or agents, with respect to sexual harassment of employees in the workplace, where the Legislature, its Senators, or its agents or supervisory employees know or should have known of the offensive conduct and fails to take immediate and appropriate corrective action. In reviewing those cases, the EEOC considers the extent of the employer's control over the non-employee, and any other legal responsibility that the employer may have with respect to the conduct of such non-employees.

3.00 THE LEGISLATURE'S POLICY ON SEXUAL HARASSMENT:

The Legislature affirms its commitment to ensuring a work environment for all employees which is ever, fair, humane, respectful and free from sexual harassment. The Legislature further affirms an environment that supports and rewards employee performance on the basis of relevant considerations, such as ability and effort. Conduct that inappropriately asserts, permits or prorates sexuality as relevant to employee performance are damaging to the work environment.

Sexual harassment is a particularly sensitive issue that may affect any member of the Legislative community, including employees, division heads, supervisors and Senators. Sexual harassment is a violation of federal and local laws, the Rules of the Legislature and the Legislature's Policy and Procedures Manual and is not tolerated. Reports of Sexual harassment, as such shall be dealt with promptly and confidentially by the Legislature's administration. All employment decisions of the Legislature must be made purely on the basis of education, qualifications related to each job, and ability to perform such jobs, and must be devoid of considerations of sex.

Toward this end, all members of the legislative community must support the principle that sexual harassment represents unlawful activity in the workplace, and an extreme breach of ethical standards. The Legislature of the Virgin Islands, its President, officers, other Senators, administrators, division heads and supervisors reaffirm that sexual harassment will not be tolerated in the Legislature, and when confirmed will result in dismissal of the offender. This stand is consistent with this Manual, the rules of the Legislature, and the Equal Employment Opportunity Commission's (EEOC) guidelines and the definition of sexual harassment contained therein.

The Legislature further declares that sexual harassment in any situation is reprehensible and undermines the integrity of the workplace and the personal dignity of the individual. It is the policy of Legislature to provide employees with a work for working which is free of sexual harassment whether by members of the same sex or the opposite sex, and whether by employees or non-employees of the Legislature.

It is not the Legislature's intent to regulate social interaction or relationships or interpersonal relationships freely entered into by its employees, but rather to eliminate conduct that creates an unlawful abusive or hostile work environment.

Senators and division heads and other supervisory personnel, at all levels, including supervisory personnel on Senators' staffs, are responsible for taking reasonable and necessary action to prevent sexual harassment. All members of the Legislative community, Senators and employees alike, and non-employees are required to report promptly conduct that could be in violation of this Policy and Procedures Manual.

The Legislature is committed to creating among Senators, administrators, and employees greater awareness of the problem of sexual harassment. The Legislature is committed to providing regular training for all members of the legislative community regarding the policy and how complaints are to be investigated and resolved. The Legislature will periodically, and not less than annually, take measures to educate and train employees regarding conduct that could constitute a violation of this policy. All Senators, management and supervisory personnel are required to participate in the education and training and to be knowledgeable concerning the Legislature's policy against sexual harassment.

All members of the legislative community are required to comply with the policy and procedures outlined in this Manual to address complaints of sexual harassment. It is of paramount importance to the legislative community that every complaint of sexual harassment filed under the Legislature's policy shall be processed, even if the complainant also files a complaint or lawsuit with an outside agency or court.

Retaliation against anyone who files a complaint of sexual harassment, or participates in the complaint process will not be tolerated and will result in termination from his or her employment with the Legislature. Or, if by a non-employee, expulsion and banishment from the Legislature.

It is the Legislature's policy and practice to promptly; (1) respond to every complaint of sexual harassment reported, (2) investigate and take action to provide remedies when sexual harassment is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4), to the extent possible and appropriate, to protect the privacy of all those involved in sexual harassment proceedings.

It is the responsibility of the Legislature's Senators, administrators, division heads and supervisors to ensure that effective measures are taken to implement the procedures outlined in this Manual. It is a violation of the Legislature's sexual harassment policy for any employee or other member of the legislative community to seek gain, advancement, or consideration in return for sexual favors, or to make intentionally false accusations of sexual harassment.

The Legislature will take disciplinary action against all offenders by imposing disciplinary sanctions and will protect targets of harassment from retaliation.

3.01 DEFINITIONS

As used in this Manual and unless the context clearly indicates otherwise, the following terms have the meanings set forth in this document:

(1) “**Affirmative Action Officer or investigator**” means an employee of the Legislature appointed by the President or the Executive Director to assist employees in filing complaints and to investigate and report on sexual harassment in the workplace.

(2) “**Business Day**” means Monday through Friday of each week and excludes holidays and administrative leave days granted by the President of the Legislature or the Governor, unless the employment and offender are on duty at the Legislature during those days or evenings.

(3) “**Complainant**” means the Person filing the complaint of sexual harassment.

(4) “**Committee on Ethical Conduct**”, means a committee of Senators appointed by the President of the Legislature pursuant to the Rules of the Legislature to address allegations of misconduct, including sexual harassment, by Senators.

(5) “**Division head**” means the heads of Central Staff divisions and the Chief of Staff in a Senator’s office.

(6) “**Committee on Sexual Harassment**” means a seven-member committee appointed by the President of the Legislature to investigate and adjudicate sexual harassment complaints between employees other than Senators.

(7) “**Employee**” includes a Senator, a member of the central staff of the Legislature, a member of a Senator’s staff, a temporary employee, a part-time employee and a contract employee

(8) “Equal Employment Opportunity Commission (EEOC) Guidelines” means the “Guidelines on Discrimination Because of Sex”, the guidance for handling sexual harassment in the workplace as set forth in title 29 of the Code of Federal Regulations, Part 1604.11

(9) “Members of the legislative community,” means Senators, employees of the Central Staff, employees a Senator’s office, contract employees part-time employees, intern or volunteers.

(10) “Official” means any employee of the Legislature who plays a role in handling sexual harassment complaints.

(11) “Respondent” means the person against whom a complaint of sexual harassment is filed.

(12) “Workplace” includes all legislative complexes on all three islands and any other place where a legislative activity is being held, or to which an employee is assigned, or where any activity of any Senator is being conducted or any other place in which an employee may appear; either on assignment or socially in connection with his or her employment at the legislature or employer. The workplace may be within or outside of the Territory of the Virgin Islands.

4.00 ROLES, RESPONSIBILITIES AND RIGHTS

This Section explains the rights and protections guaranteed to members of the legislative community in connection with reporting and filing complaints of sexual harassment. The section also explains the roles and responsibilities of the various

divisions and individuals under the Legislature's policy on the prohibition of sexual harassment in the workplace.

4.01 THE DUTIES AND RESPONSIBILITIES OF THE HUMAN RESOURCES DIVISION UNDER THE LEGISLATURE'S POLICY ON SEXUAL HARASSMENT:

The Human Resources Division under the leadership of its Director is responsible for and has a duty to:

- Issue, disseminate, update and implement the Policy and Procedures Manual on Sexual Harassment;
- Coordinate initial training for Affirmative Action Officers, and continue to assess and respond to the Legislature's employees' training needs (e.g. sensitivity training) on a regular basis;
- Develop informational materials for all employees, managers and supervisors;
- Maintain records of cases involving sexual harassment complaints;
- Arrange for training and educational programs on sexual harassment for all members of the legislative community;
- Screen applicants for employment, promotion or for supervisory jobs to determine primarily if they have a history of engaging in sexual harassment issues as claimant or respondents;
- Assist the Executive Director and the President in appointing Affirmative Action Officers, investigators and other officials who possess the required skills, integrity and respect for employee, to assist in processing, investigating and resolving sexual harassment complaints;

- Maintain in a confidential manner, records and reports of incidents, complaints and resolution of sexual harassment complaints; and
- Review and advise the Legislature on how to address incidents for which a formal complaint has not been filed.

4.02 THE RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR, DIVISION HEADS AND SUPERVISORS:

The Executive Director, Division heads and supervisors are responsible for and have a duty to:

- Set clear examples of proper workplace conduct, and clearly express by actions and words a “zero tolerance” for sexual harassment in the Legislature;
- Know and enforce the laws and Legislature’s policy on the prevention of sexual harassment;
- Be aware of employee and non-employee interactions in the workplace and monitor for signs of sexual harassment;
- Ensure that the procedures for receiving, investigating and resolving allegations of sexual harassment, as set forth in this Manual, are implemented and enforced;
- Ensure that each employee receives a copy of this Manual and signs for same;
- Ensure that each employee is explained in detail and understands the Legislature’s proscription against sexual harassment in the workplace, and that each employee is provided:
 - an explanation of the Legislature’s policy and complaint procedures, as soon as practicable after hired and annually thereafter;
 - the name and number of the Legislature’s Affirmative Action Officer; and

- notification of any changes to the Manual, as soon as administratively possible.
- Take seriously all allegations of sexual harassment and be aware of same-sex and non-employee sexual harassment;
- Strongly encourage employees to report behavior that they believe to be acts of sexual harassment;
- Determine the nature and extent of disciplinary action to be taken against harassers;
- Follow up with employees who have reported sexual harassment to inform them of the actions taken and to ensure that the sexual harassment has stopped;
- Ensure confidentiality to the fullest extent practicable by limiting the disclosure of matters pertaining to and resolutions to the parties involved and the appropriate administrative officials; and
- Ensure that employees reporting sexual harassment are protected from any form of retaliation; and
- That employee making false claims of sexual harassment are disciplined appropriately.

4.03 THE RESPONSIBILITIES OF AFFIRMATIVE ACTION OFFICERS?

Affirmative Action Officers are responsible for the following matters relating to sexual harassment and are required to:

- Publicize by memorandums, e-mail and inter-office public address systems their availability to all legislative employees;
- Attend training on sexual harassment laws, rules and regulations, and in turn provide or arrange for the provision of training of all Senators, division heads, supervisors and employees, in the identification and prevention of sexual harassment;
- Assess additional training needs in this area on an on-going basis, such as the need for sensitivity training, and to work with the Human Resources Division in providing those services;
- Distribute copies of this Manual to each employee and ensure that:
 - Training on explanation of the Legislature's policy and complaint procedure, as soon as practicable after hired and annually thereafter;
 - the name and number of the Legislature's Affirmative action Officers;
 - notification of any changes to the Manual and Procedures as soon as administratively possible.
- Receive and investigate reports of alleged sexual harassment in a confidential and expeditious manner, and present findings to the Committee on Sexual Harassment, and the Committee on Ethical Conduct (as it pertains to Senators) for resolution;
- Maintain confidential, accurate and current records of reports of sexual harassment and their disposition.

4.04 THE RESPONSIBILITIES OF THE COMMITTEE ON SEXUAL HARASSMENT AND THE COMMITTEE ON ETHICAL CONDUCT:

a) The Senate President shall appoint a seven-member Committee on Sexual Harassment consisting of male and female employees of appropriate integrity, tenure, knowledge and experience, who are able to conduct investigations into alleged incidents, of sexual harassment in an objection manner, to examine evidence, adjudicate cases of sexual harassment, act as fair and impartial decision makers and produce objective recommendations for remedies, including sanctions, and resolution of sexual harassment complaints.

(b) Pursuant to Rule 810 of the Rules of the Legislature the Senate President shall appoint not less than a five-member Committee on Ethical Conduct. In addition to the Committee's duties established in the Rules, the Committee shall assist in implementing the Legislature's policy on sexual harassment.

(c) The function of the Committees referenced in subsections (a) and (b) is to:

- (1) hear and to consider testimony and to accept relevant evidence in proceedings on sexual harassment complaints;
- (2) determine if the Legislature's policy and procedures on sexual harassment have been violated; and
- (3) recommend appropriate relief for the complaint and disciplinary action for the offender to the President of the Legislature, in the cases involving a staff employee, and to the legislative body as a whole, in cases involving a Senator as the alleged offender.

(d) Members of both Committees shall receive training on prevention of sexual harassment and the conduct of investigations, hearings and dispositions.

4.05 LEGISLATIVE EMPLOYEES' RESPONSIBILITIES:

Every Employee of the Legislature shall share the responsibility for preventing sexual harassment in the workplace. Employees are responsible for their own conduct and must know and support the Legislature's policy on sexual harassment each employee is responsible for the following:

- Ensure that they do not sexually harass any Senator, other employee, applicant for employment, visitor to the Legislature, or any other individual in the workplace;
- Cooperate in the investigation of alleged sexual harassment by providing any information they possess concerning the matter being investigated;
- Actively participate in the Legislature's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such discrimination.

While formal and informal complaint procedures for handling sexual harassment cases have been established in this Manual, every employee of the Legislature has a responsibility to eliminate and prevent this unlawful and destructive social problem. Each employee should be able to answer these questions in the affirmative regarding sexual harassment:

- Have I reported any personal incident of sexual harassment?
- Have I taken a stand against any behavior that is threatening or offensive to me, to my associates or fellow employees?
- Have I told the harasser that I wanted the harassing conduct to stop?
- Am I supportive of educational and corrective programs designed and implemented to eliminate sexual harassment?

- Is it possible that any aspect of my behavior could be construed as sexual harassment?
- Do I sufficiently avoid even the appearance of romantic or sexual involvement with subordinates, or other persons who could feel threatened by any relationship with me which was not strictly formal or professional?
- Would I allow others to speak or behave towards my spouse, significant other, parent, child, sibling or other loved one the way I speak to or behave toward subordinates in my workplace, or others who could feel sexually harassed by any conduct by me which was not strictly formal or professional?
- Am I doing my best as a supervisor to educate and protect those for whom I am responsible?

4.06 PROTECTIONS PROVIDED TO EMPLOYEES INVOLVED IN SEXUAL HARASSMENT PROCEEDINGS:

4.06(a) CONFIDENTIALITY

The Legislature recognizes that the confidentiality of employees in the workplace is important. The confidentiality and privacy of individuals reporting or accused of sexual harassment shall be protected to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the complaint is filed in a Court of Law, when the Legislature is required by law to disclose information (such as in response to a legal process); and when to withhold appropriate information, otherwise confidential, may compromise the safety or health of one or both of the participants in a sexual harassment proceeding.

4.06(b) PROTECTION AGAINST RETALIATION

It is unlawful for any Legislative employee and Senator to retaliate against an employee or other person for filing a complaint of sexual harassment, or for cooperating in an investigation of a complaint of sexual harassment. Every employee is privileged to report sexual harassment without fear of retaliation. Acts of retaliation against an individual must be reported immediately. Retaliation occurs if someone threatens the physical or pecuniary interest of an employee or his or her job because the employee filed a complaint or discussed an issue of alleged sexual harassment with a supervisor, the Affirmative Action Officer, or other officials of the Legislature. The Legislature does not tolerate retaliation against any individual, who reports or provides information in an investigation about behavior that may violate this Manual. Upon a clear showing, at any stage of the investigation, that immediate harm to either party is threatened by the continued performance of either party's regular duties or responsibilities relative to the other party, the President upon the advice of the Executive Director may suspend or reassign either of the party's duties or responsibilities pending the completion of the investigation.

4.06 (c) FAIR AND IMPARTIAL PROCEEDINGS

- (1) All complaints of sexual harassment shall be addressed promptly.
- (2) The accused shall be notified when a formal complaint has been filed, and the complainant shall be provided a copy of such notification.
- (3) The sexual harassment investigation shall be conducted in a manner designed to protect the confidentiality of the complainant, the accused and all witnesses.

All parties involved in the proceedings shall be required to maintain strict confidentiality, from the initial meeting to the final Legislative decision in order, to safeguard the privacy, security and reputation of all involved.

(4) Accusations of sexual harassment which have been found to be untrue or unfounded by a duly empanelled committee or a court of law; i.e. the allegation of incidents or behavior that are proven, through investigation, not to have occurred, may result in severe disciplinary action directed to the false accuser up to and including termination from Legislative employment. However, a finding that either the alleged sexual harassment did not occur, or that there was insufficient evidence to sustain the complaint does not necessarily in itself establish that an accusation was false so as to give rise to the imposition of sanctions against the complainant.

5.00 AFFIRMATIVE ACTIONS TO BE PURSUED BY EMPLOYEES WHO BELIEVE THEY ARE SEXUALLY HARASSED:

If an employee believes he or she is being sexually harassed either by way of the creation of a hostile work environment or on a proposed quid pro quo basis, the employee or other person is required to report such incidents, or to take the following actions:

- The employee shall civilly but firmly ask the offender to cease the offensive conduct. In some situations, employees may be unaware they are offensive or harassing until someone brings it to their attention. Communication is sometimes all that is needed to stop the behavior. Tell the employee or other person to "Stop". Tell the harasser that his or her behavior is unwelcome and offensive.

- Don't take responsibility for the harasser's behavior. Do not try to solve the problem by rearranging your life or work environment or schedule to avoid the harasser.
- The complainant must write down the date, circumstances, and details of each individual incident as it occurs.
- The complainant must file a written complaint in accordance with the procedures in subsection 5.01.

5.01 THE FILING OF A COMPLAINT OF SEXUAL HARASSMENT:

The following sexual harassment complaint procedures are established specifically to ensure an orderly, objective and confidential investigation process that protects the rights of all parties involved. Harassment complaints are best resolved if addressed as early as possible. The Legislature therefore urges those who have complaints to bring them forward as quickly as possible. As time passes, it may become difficult to investigate and resolve sexual harassment complaints. In addition, there are time limitations for filing external complaints with local and federal agencies. Therefore employees who believe they are victims of sexual harassment should submit a written complaint of the incident within 45 days following the alleged sexual harassment in order to utilize effectively the Legislature's grievance procedures.

Employee who believes that they have been subjected to sexual harassment, they are encouraged to take the following actions:

- (a) Report the sexual harassment to the Human Resources Director and the Affirmative Action Officer within 45 days following conduct constituting sexual harassment. If the employee does not feel comfortable reporting the complaint to the

Affirmative Action Officer, the complaint may initially be filed with the Director of Human Resources, or the Executive Director. The official will assist the employee to prepare the complaint form as found in Appendix A of this Manual and will then direct the complaint to report to the Affirmative Action Officer for further investigation and resolution.

(b) The employee may wish in addition to file a sexual harassment complaint outside the Legislature. That employee may file a complaint with the Department of Labor, Division of Labor Relations on St. Thomas or St. Croix, or in a court of competent jurisdiction.

(c) An employee may file an informal or a formal sexual harassment complaint. Whether the employee elects to file an informal or formal complaint, the complainant and accused will be free from restraint, coercion, discrimination or reprisal. The Affirmative Action Officer or other official will help the employee to determine whether the problem can be handled informally.

Informal resolution avenues include a variety of approaches, such as, but not limited to mediation, counseling, helping the employee to talk with or to write a letter demanding of the offender to stop the harassing behavior, disciplinary action or other resolution by the accused person's supervisor, or other appropriate informal actions, according to the circumstances. An informal address the problem may stop the behavior to the satisfaction of the complainant, and the case may be closed without taking further action.

The informal resolution of the complaint may be preferable in some circumstances. However, the complainant is not required to initiate or agree to informal

procedures instead of formal grievance procedures. If informal procedures are initialed with the consent of the complainant and prove to be unsatisfactory, the complainant may institute formal procedures.

(d) If the alleged harassment is severe or an informal approach does not stop the problem, the complaint be handled formally. In all instances, a record of the matter must be maintained by the investigating officer or committee.

(e) The Affirmative Action Officer or other official will meet privately with the complainant and again provide a copy of the Legislature's Manuel on sexual harassment. The employee will also be required to complete a complaint form, as set out in Appendix A, if he or she has not already done so and return it to the officer. The instances of alleged sexual harassment should include a description of the incidents, the name of the alleged harasser, the times, locations, and specific words/actions, and the names any witnesses to the occurrences.

5.02 SPECIFIC INFORMATION TO BE PROVIDED TO THE INVESTIGATOR OR INTERVIEWER:

The Affirmative Action Officer or other official shall interview the complainant to secure and record information, including, but not limited to the following:

- What happened. What was said or done and by whom which gave rise to the complaint of sexual harassment;
- When and where did the alleged offense take place. How long a period of time elapsed between the alleged offense and the filing of the complaint. Was it during working hours, on office breaks, during lunch hours, on or off the Legislature's premise;

- Has the alleged offense occurred before. When and where. Has the employee complained before about similar alleged occurrences;
- Are there any witnesses. If so, who are they;
- What did the complainant do or say before and after the alleged offense;
- Did the complainant's supervisor know, or should the supervisor have known, of the alleged offense or of previous occurrences;
- How did the alleged offense affect the complainant physically or psychologically;
- What relief or remedy is being sought by the complainant.

5.03 FORMAL NOTIFICATION TO THE OFFENDER OF THE COMPLAINT?

The Affirmative Action Officer or other official shall meet privately with the accused and inform him or her of the details of the complaint and provide a copy of the complaint and again a copy of the Legislature's Manual on sexual harassment. If the alleged harasser is a Senator, a member of the Committee on Ethical Conduct or another member of the Legislature appointed by the President together with the Executive Director shall meet privately with the senator for the purposes stated in this section.

- (a) The official will interview the accused to ascertain the following:
 - What is the accused person's response to the charge;
 - If the accused Senator or employee admits the conduct and the complainant agrees with the accuracy of the accused person's statement, the Affirmative Action Officer or other official shall complete the interview and report his or her findings to the President

(with a copy to the Executive Director) who shall take such disciplinary action as provided in the Rules of the Legislature for such infractions;

- If the response is a denial, what is the accused Senator's explanation of the charge, if any;
- Are there any witnesses who can substantiate the alleged harasser's denial and response;

○ Did the complainant freely and without coercion participate in or accept the conduct of the accused or accept the conduct of the secured on the occasion which precipitated the complaint.

(b) The alleged offender will be required to submit a written response to the complaint within five (5) business days after receipt of a copy of the complaint which will be tendered to the offender by the Affirmative Action Officer or other official. If by the eighth business day, the accused has not submitted a written response, the accused will be considered to have declined the opportunity to respond, and the investigation shall proceed despite the failure of the offender to respond. The alleged offender's failure to respond must be so noted in the investigative report.

5.04 CONDUCT OF THE SEXUAL HARASSMENT INVESTIGATION:

To the maximum extent possible, confidentiality shall be maintained to protect the privacy of all individuals involved in a sexual harassment proceeding. Only those

individuals directly involved in the resolution of complaint will be provided or have access to information about the case. To ensure an objective and effective investigation, the Affirmative Action Officer may work with a co-investigator of the opposite sex so that an investigative team may always consist of a male and a female employee. Those officials may gather information from any source considered reliable and necessary to fully investigate and resolve the complaint. In order to determine whether the alleged conduct constitutes sexual harassment in the workplace, all the circumstances surrounding the allegations and responses shall be taken into consideration.

(a) The officials will contact and record interviews with the claimant, respondent and witnesses as required during the course of the investigation. The officials may also determine the need for additional witness interviews and may contact and interview them as well.

(2) Witnesses must be interviewed privately and individually, during which neither the Complainant nor Respondent may be present. The investigator will document the statements of all witnesses.

(3) The complainant and the respondent shall be permitted to suggest witnesses and other evidence that shall be considered by the officials. All individual interviews shall be audio taped and subsequently transcribed in written format.

(4) Any person interviewed shall have the right to request a review of his or her transcribed statement for accuracy.

(b) Investigative Findings: (1) Within thirty (30) calendar days after receiving a formal written complaint, the Affirmative action Officer or other official will assess whether a violation of the policy has occurred and will submit findings in writing to the

complainant and the person accused. If the investigator finds by a preponderance of the evidence that it is more likely than not that the alleged sexual harassment has occurred, the investigator shall notify the Complainant, the offender, his or her immediate supervisor, and the head of the offender's division and the Executive Director if the offender is an employee. If the accused is a senator, or if the accused is the Senate President and the preponderance of the evidence suggests the harassment has occurred, the Committee on Ethical Conduct shall be informed for further action as provided in the Rules of the Legislature.

(2) Based on the findings of the investigation, unless the complainant or the accused has already requested a formal proceeding, the Affirmative Action Officer or other official will recommend either that the matter be resolved formally through a hearing or that the matter be resolved informally.

(3) If the Officer recommends that a complaint be resolved informally and that recommended disciplinary action be taken, the Executive Director shall be responsible for acting on the findings and recommendations of the investigator, as approved by the Senate President. The Executive Director shall consult with and notify the Senate President, the Director of Human Resources appropriate division head and the Affirmative Action Officer, regarding the disciplinary actions to be taken against the person accused which must be consistent with the disciplinary actions established in the Legislature's Human Resources Manual or other disciplinary policies.

6.00 INFORMAL RESOLUTION AND DISCIPLINARY ACTION

(a) Within five (5) business days after receiving the investigator's findings, the Executive Director shall meet with the accused employee to discuss the findings and

recommendations and shall determine appropriate disciplinary action to recommend to the President in making a recommendation regarding discipline, the Executive Director shall consider the seriousness of the violation and other properly established records of previous sexual harassment offenses by the Respondent. The Executive Director shall consider the totality of the submitted information in determining an appropriate disciplinary recommendation. The President shall thereafter impose such penalties as deemed appropriate and in accord with the Legislature's rules and regulations.

(b) Appropriate discipline to be imposed may range from a verbal reprimand, written reprimand and warning, suspension or other disciplinary action up to and including termination of the employee, or in the case of a senator, sanctions established by the Rules of the Legislature; including censure, suspension and expulsion, or any other appropriate sanction or punitive action.

The Affirmative Action Officer or other official and the Director of Human Resources, if the accused is a staff employee shall be consulted regarding disciplinary recommendations. The complainant, the accused, the Executive Director, the Director of Human Resources, and the Affirmative Action Officer will be notified in writing of the decision of the President.

(c) An accused employee who is aggrieved by the decision or disciplinary action imposed by the President, may appeal the decision to the President for recommendation within ten (10) calendar days after receipt of the written notice of the disciplinary decision. Thereafter the accused may appeal the final decision of the President all as provided in Rule 416 of the Rules of the Legislature.

7.00 FORMAL RESOLUTION OF SEXUAL HARASSMENT

PROCEEDINGS:

(a) Committees to be Convened

Upon the recommendation of the Affirmative Action Officer, other official, the Committee on Sexual Harassment or upon the request of the complainant or the alleged offender, the Committee on Sexual Harassment or the Committee on Ethical Conduct, as the case may be, may hold a hearing. The Committee on Sexual Harassment, or in the case of an accused Senator, the Committee on Ethical Conduct, shall conduct a formal hearing and shall allow the complainant and the respondent ("the parties") to present information which, in the respective Committee's discretion, is relevant to the allegations. The Committee shall have sole discretion regarding the personal appearance of any witness; bearing in mind however, the fundamental right of the complainant and accused to a full and complete hearing on the issues. The Committees' hearings will not be considered a judicial hearing, but rather an internal administrative proceeding at which the complainant and the alleged offender are present. The hearing shall be transcribed verbatim or audio taped and subsequently transcribed.

(b) Advance Exchange of Evidence

At least one week before a hearing on sexual harassment is scheduled, each party shall furnish the other party and the chair of the Committee hearing the complaint, two copies of list of witnesses who may be called to testify at the hearing on his or her behalf. A brief summary of the witnesses and testimony and two copies of any documents that may be introduced in evidence shall also be provided to the Chair and each party to the dispute. If either party attempts to introduce evidence not properly disclosed in advance

to the other party additional time to respond. The parties may not depose, question, or otherwise contact each others' witnesses at any time prior to the hearing.

7.01 HEARING PROCEDURES

(a) The Chair of the Committee on Sexual Harassment shall select at least three, but no more than five of its members to serve as a hearing panel. All five members of the Committee on Ethical Conduct may serve as a hearing panel. No member of the hearing panel may be the Executive Director nor the supervisor or division head of either party.

(b) Three members of the Committee on Sexual Harassment hearing panel and three members of the Committee on Ethical Conduct constitute quorums.

(c) All administrative hearings will be closed to the public. Only those individuals directly involved in the dispute may be present.

(d) Each party may have an advisor, who may be an attorney, throughout the process. At the hearing, however, the advisor's role shall be to observe and provide counsel to the party being advised. The advisor shall not be permitted to participate in the hearing process to the extent of interrogating witnesses or interposing objections, or offering documents into evidence.

(e) A Committee Member who is the subject of a sexual harassment complaint may not participate in a sexual harassment case until his or her case has been resolved.

(f) The hearing panel may follow in a general fashion but is not bound by the procedures and rules of evidence of a court of law.

(g) The hearing shall begin with the chair's summary statement of the complaint. The chair then shall give the parties an opportunity to make opening statements; with the complainant to be first to present his or her statement and to present his or her case. Neither party may defer their opening statements.

(h) After the opening statements have been made, and the complainant presents his or her case, the hearing panel may question the complainant. The respondent may then question the complainant, or the Committee, in its discretion, may allow the respondent to submit written questions to the hearing panel which the respondent wishes to have presented to the complainant.

The complainant may call witnesses and present documentary evidence. The hearing panel may limit the number of witnesses presented by both parties to avoid cumulative or duplicate evidence. A witness may be in the hearing room only while testifying.

(i) After the Complainant's case has been presented, the Respondent may present its case by way of testimony, witnesses, and relevant documents. The complainant and the hearing panel may then question the respondent, or the hearing panel, at its discretion, may allow the complainant to submit written questions to the hearing panel which the Complainant wishes to have presented to the Respondent.

(j) After the presentation of all evidence on behalf of the Complainant and Respondent, each party shall have the opportunity to make brief closing remarks. After the closing remarks, the panel shall begin its deliberations in private.

(k) (1) At the conclusion of the hearing, the hearing panel deliberates in closed session, and thereafter makes a recommendation to the President relative to the complaint filed against the staff employee.

(2) In the case of a complaint filed against a Senator before the Legislative Standing Committee on Ethics, and at the conclusion of the hearing, the Committee shall deliberate in closed session and make findings, conclusions and recommendations which shall be converted into a formal Resolution to be introduced in a formal Legislature session for senatorial action.

(3) The hearing panel's closed deliberations shall not be taped or transcribed. The hearing panel shall base its findings solely on the evidence presented at the hearing. After considering the evidence, the hearing panel shall decide whether a preponderance of the evidence supports the complaint. In addition to making a determination of the fact of sexual harassment in accordance with this Manual and the law, the hearing panel may recommend disciplinary action, if the panel determines that sanctions are warranted.

(A) In the case of a complaint filed against a staff employee, the hearing panel's recommendations shall be prepared and transmitted to the President within fifteen (15) calendar days after conclusion of the hearing, with copies to the complainant and the respondent. The Committee shall also transmit the complaint file, the recording of the hearing, and all materials submitted by the parties and witnesses to the President, for subsequent preservation and filing by the Human Resources Division.

(B) In the case of a complaint filed against a Senator who is found to be in violation of the Legislature's sexual harassment policy and this Manual, the hearing panel of the Committee on Ethical Conduct must prepare through the Legal Counsel's

Office, within ten (10) calendar days after conclusion of the hearing a Resolution containing the findings and conclusions and mandate for disciplinary action.

7.02 DECISION OF THE PRESIDENT OF THE LEGISLATURE

The President shall consider findings of the Committee on Sexual Harassment in making a final decision. The President shall have ten (10) business days to issue his final decision. When a final decision is made, the President shall inform the hearing panel, the Executive Director, the Human Resources Director, both parties, and all other appropriate officers of the decision. The decision must give the respondent five (5) business days' notice of the date of implementation of the disciplinary action.

7.03 DECISION OF THE LEGISLATURE

The Senate President shall convene a formal session of the Legislature within fifteen (15) business days after receipt of affirmative findings, conclusions and recommendations of the Committee on Ethical Conduct on the matter of a Senator's violation of the sexual harassment rules and regulations and law. The members of the Legislature shall vote on the recommendations of the Committee. The Legislature may impose the penalties set forth in Rules 813 and 814 of the Rules of the Legislature. The Legislature may not take any additional testimony nor accept additional evidence or review de novo the Committee's deliberations, but shall only debate and vote upon the sanctions proposed in the Resolution.

The names of all complainants and witnesses shall not be disclosed, and all findings and conclusions, reports and other documents presented before the Legislature shall be redacted to, exclude the names or other identifying information of all

complainants and witnesses in the sexual harassment complaint, investigation and decision by the Legislature.

7.04 APPEAL OF FORMAL COMPLAINT RECOMMENDATION PRIOR TO LEGISLATURE ACTION:

(a) Filing an appeal: Either the complainant or the respondent may file an appeal of any recommendation concerning the resolution of the complaint. An appeal by either party must be made in writing, served upon the Office of the President within five (5) business days after receipt of the notice of decision recommending disciplinary action. The written appeal must state in detail the reason for the appeal and shall address one or more of the following:

(1) If the appeal alleges the findings of the investigator included relevant factual errors or omitted relevant facts, the objector must specify each and every alleged factual error, or details of each, and every relevant fact that was omitted from the investigation;

(2) If the appeal alleges substantive procedural errors, the objector shall identify every instance of substantive procedural error;

(3) If the appeal alleges relevant and substantive issues or questions concerning interpretation of the Legislature's policy, the objector shall state in detail the issues or questions supporting this claim;

(4) If the appeal alleges new information or evidence, the objector shall specify the reasons the information was not available or provided to the investigator during the investigation, including specific reasons why the information could not have been provided on a timely basis;

(5) If the appeal alleges either that the action or inaction of a supervisor in response to the findings of the investigator will not prevent future violations of this Manual, the objector shall specify, in detail, the reasons and basis for this assertion.

(b) No disciplinary or other action based on the complaint may be taken against the alleged offender during the appeal process, although temporary, interim dispute avoidance measures may remain in place. However the Legislature, in its discretion, may at any point in the complaint process elect to place the alleged offender on administrative leave, with pay, or implement a temporary job or area reassignment.

(c) The President shall issue his or her decision on the appeal within seven (7) business days after receipt of the appeal petition; copies of which shall be served on the parties, the Committee, the Affirmative Action Officers, the Executive Director, the Director of Human Resources, and the appropriate administrators. The President may affirm, reverse or modify the initial decision, and shall set forth in writing the reasons for the decision.

8.00 Procedures for Handling Information Outside of the Formal Complaint Process

(a) In the case of an incident which an employee discusses with an Affirmative Action Officer or other official but decides not to file a formal or informal complaint, the official shall complete a Contact Record form (Appendix B) and deliver it to the Human Resources Division and the Executive Director, who shall advise the Affirmative Action Officer or other official within five business days if further action must be taken. A copy of the completed Form must be maintained by the Affirmative Action Officer in his or her confidential files, filed by the name of the employee, with the

name of the alleged harasser redacted (stricken) from the form. The Human Resources Division shall maintain the only official file of all such completed forms showing the unrelated names of the alleged harassers.

(b) The Legislature will attempt to balance the wishes of a complainant who does not wish to file a formal complaint with the Affirmative Action Officer with the Legislature's responsibility to respond to all allegations of sexual harassment and take prompt, appropriate corrective action. A complainant who chooses not to proceed with an official complaint, and who is not otherwise intimidated to do so, shall be asked to clearly state that preference in writing.

8.01 SPECIAL CIRCUMSTANCES REQUIRING INVESTIGATION

The following are cases in which the Affirmative Action Officers or other officials may be advised by the Human Resources Division or Executive Director to conduct investigations and render findings regardless of the absence of a formal complaint:

(a) Incidents raised by several employees concerning the same alleged offender;

(b) Any incident involving possible criminal actions, such as physical assault or rape;

(c) Several incidents reported by the same employee over a period of time, which may or may not involve the same alleged offender.

8.02 DIRECT INSTITUTIONAL ACTION

If a Senator, the Executive Director, a division head, or supervisor becomes aware of information regarding sexual harassment issues which have not been reported but

which he or she believes may raise a serious question of risk for an employee, or which he or she believes may subject the Legislature to immediate risk or potential liability, the Executive Director shall take appropriate action to investigate or seek to address the situation. The Executive Director may refer the matter to an appropriate Division Head or Supervisor for remedial action. If the matter is complex, or if the Director or Supervisor is not able to bring the matter to resolution, the matter must be returned to the Executive Director for further action. The Executive Director may determine that further action is not necessary, or may initiate a formal investigation.

When a sexual harassment case is closed, whether it is handled informally or formally, a final disposition form shall be kept by the Division of Human Resources. A repeat offender may therefore be tracked for future reference, but a copy shall not be included in his or her personnel file. If the matter is criminal in nature, outside authorities may be informed and case records may be placed in the offender's personnel file.

9.00 RECORD OF COMPLAINTS, INVESTIGATIONS, and RESOLUTIONS/DECISIONS

(a) Formal Complaint File

A formal complaint file must be maintained by the Division of Human Resources by the last name of the accused. The file must contain all formal review documents, such as the Complaint Form, the Investigation Report, any responses by the accused to the report, the decision, any record of appeal, the result of the appeal, and a record of correspondence notifying the complainant and accused of actions taken and the progress of the complaint.

(b) Report Files

Files will be maintained by the Division of Human Resources on all reports of sexual harassment, whether they result in a formal investigation or not. Those files shall be maintained by the last name of the accused and shall include a summary of the report and the resolution of the problem, including any counseling or other services the accused received as a result of the report.

(c) Access to Files.

Sexual harassment records are considered confidential for purposes of access and will be maintained in a secure filing system. Both the complainant and accused may have access to the records to the extent permitted by existing law. The name of any complainant or informant requesting confidentiality will not be included in the file. The President and Executive Director shall have access to the files, if the disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired. Access may also be given in response to a subpoena, court order or other compulsory legal process. Before the disclosure, the Director of Human Resources shall reasonably attempt to notify the individual to whom the record pertains of the request for disclosure, if the notification is not prohibited by law.

(d) Records Retention.

All records on sexual harassment claims and/or investigations shall be retained for five (5) years after separation of the accused from legislative employment. Provided there has been no further report or complaint concerning the conduct of the accused for

five (5) continuous years from the date of the last report or complaint, the file will be destroyed.

10.00 AMENDMENTS TO POLICY OR PROCEDURES:

The Legislature specifically reserves the right to modify or amend any or all of the procedures outlined in this Manual at any time, in its discretion, so long as the modifications or amendments are consistent with the law, rules and regulations on Sexual Harassment and other applicable law. If the Legislature determines that circumstances warrant modification of any part of these procedures, timely notice of the modification shall be delivered, in writing, to all employees of the Legislature.

11.00 DISSEMINATION OF POLICY

Within five (5) business days after approval by the President, the Director of Human Resources shall disseminate a copy this policy and procedures to each employee of the Legislature. Periodic update or modification notices shall be provided to all employees, the Executive Director, division heads, supervisors and Senators.

Every new employee, at the time of receiving his or her appointment papers, shall receive a copy of this Manual and shall sign an acknowledgment that he or she has received the Manual.

12.00 POSTING OF THE MANUAL ON BULLETIN BOARDS AND ON THE INTERNET

(a) Within five working days after the President's approval of this policy, the Director of Human Resources shall cause copies of the policy and procedures to be posted in conspicuous places on bulletin boards in the legislative complexes on all three

islands. The Manual shall also be published on the internet at the Legislature's website as soon as practicable.

(b) The names and telephone numbers of the Affirmative Action Officers, other officials the members of the Committee on Sexual Harassment and all other officials designated to assist with sexual harassment complaints must be posted in every office of the Legislature and on all bulletin boards.

13.00 DISSIMINATION OF SEXUAL HARASSMENT REPORT FORMS

The Director of Human Resources shall disseminate sexual harassment report forms and sexual harassment contact report forms (see Appendix A and Appendix B) to the Executive Director, all division heads, supervisors, shall copies of the two (2) forms with notices on the bulletin boards that the forms are available from the Executive Director, all division heads and supervisors.

APPENDIX A
HUMAN RESOURCES DIVISION
SEXUAL HARASSMENT REPORT FORM

Name of Employee _____ **Date** _____

Title _____ **Division** _____

Name of Immediate Supervisor _____

Statement of Complaint _____

Date(s) of Incident(s) _____

Name of Person(s) Accused of Sexual Harassment _____

Description of Incident(s) (Please be detailed) _____

Name(s) of Witness(es) _____

Remedy requested _____

Complaint Received _____ **Date** _____

**Name of affirmative Action Officer or
Interviewer**

APPENDIX B

HUMAN RESOURCES DIVISION

SEXUAL HARASSMENT CONTACT REPORT

Affirmative Action Officers and other officials: Please use this form to record your notes on incidents discussed with you by employees who decide not to file formal complaints. This report should be sent to the Human Resources Division. The Human Resources Director, in consultation with the Committee on Sexual Harassment, will review each report and will contact you directly within one week if further action is recommended to be taken.

Name of Employee _____ **Date of Report** _____

Title _____ **Agency** _____

Name of Affirmative Action Officer or

Interviewer _____ **Phone:** _____

Date(s) of Incident(s) _____

Name of Person(s) Accused of Harassment _____

(if provided by employee)

Description of Incident(s): _____

Reason Given by Employee for Not Wanting to File Formal Complaint:

Action Taken (if any) by Affirmative Action Officer:

_____ **Date** _____
Signature of Affirmative Action Officer

*** This information should be redacted (stricken) from the copy of this report maintained at the Human Resources office.**

