

**DISCRIMINATION AND HARASSMENT POLICY OF THE  
MISSISSIPPI HOUSE OF REPRESENTATIVES**

**Adopted by the  
House Management Committee  
01-11-2013**

DISCRIMINATION AND HARASSMENT POLICY STATEMENT

It is the policy of the Mississippi House of Representatives to create and maintain a work environment in which all members and employees of the House are treated with dignity and respect. House members and employees have a right to a workplace that is free from discrimination and harassment and a responsibility to help maintain a work environment that is free from all forms of discrimination and harassment. The Mississippi House of Representatives will not tolerate discrimination or harassment by any person involved in the business of the House of Representatives, whether a member, employee, page, lobbyist or other nonemployee of the House involved in the work of the House.

I. Discrimination

Employment discrimination means making decisions about hiring, promotions, assignments, terms of employment or discharge because of legally protected characteristics.

II. Harassment

- A. Tangible Job Action Sexual Harassment
- B. Hostile Environment Sexual Harassment
- C. Behavior that is unwelcome, targets or affects a legally protected characteristic such as race, age, disability or national origin and creates a hostile, intimidating and offensive work environment.

Because federal law does not require an "intent to harass," the acts of harassment described in this policy, regardless of intent shall be deemed a violation of this policy.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is behavior of a sexual nature which is uninvited and unwelcomed verbal or physical conduct directed at an employee or a member because of his or her sex. Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment does not refer to occasional compliments of a socially appropriate nature.

Sexual harassment may include, but is not limited to, remarks, threats, innuendoes, gestures, physical contact, display or circulation of written or electronic materials, pictures or objects of a sexual nature.

Specifically, sexual harassment may include, but is not limited to, the following:

- Repeated offensive sexual flirtations;
- Repeated requests for dates;
- Advances or propositions;
- Verbal abuse of a sexual nature;
- Graphic or degrading comments about appearance;
- Display of sexual suggestive objects, appearance, pictures or images;
- Offensive or degrading cartoons or jokes, and
- Offensive or degrading email or electronic images.

No employee or member should imply, suggest or threaten that an employee's cooperation of a sexual nature, or refusal thereof, will have any effect on the individual's employment status, including, but not limited to, assignment, compensation, advancement or other condition of employment.

#### OTHER FORMS OF HARASSMENT

Other forms of discrimination or harassment motivated by legally protected characteristics such as race, age, disability or national origin will not be tolerated. While it is not possible to describe every type of discriminatory or harassing behavior in this regard, written, verbal or electronic communications, physical acts or any threatening communication that create or is certain to create a hostile, intimidating and offensive work environment will not be permitted.

#### COMPLAINTS

No member or employee should endure harassment or discrimination in any form. Any person believing he or she has been harassed or discriminated against should immediately report the incident so that the House may promptly take appropriate corrective action. The House will conduct an immediate, thorough and impartial investigation of all complaints or concerns of harassment or discrimination. Complaints may be reported orally or in writing. Members and employees, both the complainant and the alleged offender, may be asked to provide written statements during the course of the investigation.

Complaints should be filed in the following manner:

- Employees who feel that they have been a victim of harassment or discrimination should notify immediately their supervisor, the Clerk of the House or the Speaker Pro Tempore.
- Members who feel that they have been a victim of harassment or discrimination should notify immediately the Speaker, Speaker Pro Tempore or Clerk of the House.
- Any supervisor having knowledge of alleged sexual harassment shall promptly report such information to the Speaker, Speaker Pro Tempore or Clerk of the House.
- Any member having knowledge of alleged sexual harassment shall promptly report such information to the Speaker, Speaker Pro Tempore or Clerk of the House.
- Any employee having knowledge of alleged sexual harassment shall promptly report such information to their supervisor.

All allegations of harassment and/or discriminatory treatment will be handled in a confidential manner to the extent possible, and information concerning the alleged conduct shall be revealed only to those persons necessary in order to conduct an effective investigation. The purpose of this provision is to protect the confidentiality of the person who files the complaint, to encourage the reporting of any

incidents of harassment or discrimination and to protect the reputation of any person wrongfully charged with harassment or discrimination.

Upon completion of the investigation, the complainant and the alleged offender will be informed promptly of the determination.

The House will not tolerate adverse treatment of members or employees because they report complaints or concerns of harassment or discrimination or provide information related to such complaints or concerns. Any and all acts of retaliation against such persons are expressly prohibited.

Complaints that are found to be intentionally or recklessly dishonest or malicious will not be tolerated, and any employee or member making a false complaint will be subject to disciplinary action.

#### CORRECTIVE ACTION

The House of Representatives will undertake immediate and appropriate corrective action, including appropriate disciplinary action, when it determines that harassment or discrimination has occurred in violation of this policy. Corrective action involving employees of the House who have violated this policy will be considered and decided by the House Management Committee. Corrective action involving House members who have violated this policy will be considered and decided by the House Ethics Committee.

#### POLICY DISSEMINATION

A written copy of this policy shall be distributed to all employees and members of the House of Representatives and shall be included in the Member Handbook, Employee Handbook and Page Handbook.