Women Legislators of Maryland
Sexual Harassment Workgroup Policy Recommendations

The #MeToo movement has brought to light thousands of instances of sexual harassment in the workplace. While the publicity surrounding the issue has exploded since the Fall of 2017, many individuals in the Maryland General Assembly (MGA) have been working quietly, long before 2017, to both reform the work culture and improve the legislature’s response systems.

The Maryland General Assembly is not substantially different from other workplaces. What makes it unique, however, is the variability of the protections offered to survivors of sexual harassment depending on who the worker is: elected official, staff, intern, and lobbyist. While each of these workers is important to the MGA workplace, the focus of our efforts was primarily, though not exclusively, focused on the role of the legislator.

The Sexual Harassment Workgroup, a subgroup of the Maryland General Assembly’s Women’s Caucus has dedicated many hours of research, discussion and debate to improving how sexual harassment allegations are handled. This group consulted with legal professionals who have expertise in this arena, officials from other states that have progressive policies on the topic, as well as individuals who have personally experienced sexual harassment in the MGA workplace.

What follows are recommendations that have been arrived at by consensus over many hours of thoughtful and serious consideration.

Training Recommendations

1. The MGA should increase anti-harassment training frequency and availability by:
   a. Ensuring a full training takes place within 15 business days of swearing in at the start of each new term and additional initial trainings take place within 15 days of swearing in for new members appointed mid-term.
   b. Expanding access to staff training. Initial trainings should be conducted for all new staff including temporary session employees within 15 business days of their employment start date. A full group training should take place within the first year of employment for all employees.
   c. All members and staff should repeat a full training at a minimum every two years.
   d. Lobbyists should be required to participate in anti-harassment training as part of their required ethics training at a minimum every two years.

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2. The MGA should incorporate information on bystander-intervention as part of the required training.

3. The MGA should incorporate information on specific anti-retaliation protections for staff, members, and lobbyists as part of the required training.

4. Full trainings conducted by the MGA should include vignettes and legislature specific examples of sexual harassment, retaliation, bystander intervention and accountability, as well as information on how confidentiality is managed at every step of the process. The full trainings should include at least in part members and staff in the same training session to ensure trainees can learn from the experiences and perspectives of others at different levels within the organization. The MGA should consider partnering with the Maryland State Ethics Commission (which regulates lobbyists) to include lobbyists in these trainings as well.

5. The MGA should make adequate resources available to ensure the Human Resources department can hire a highly-qualified in-house expert to conduct the increased number of trainings, increased data tracking responsibilities, and potentially an initial increase in the quantity of complaints in need of investigation and resolution that will result from these recommendations.

6. The MGA should offer remedial training as needed or warranted.

**Reporting Recommendations**

1. The MGA should update our written policy to clearly describe the contact points, procedures and potential outcomes for two different types of reports:
   a. Anonymous Reports:
      i. The MGA should investigate truly anonymous mechanisms to implement this reporting type. The MGA should consider hotlines, app based services, etc. People making anonymous reports should be notified that their reports will not necessarily lead to an investigation or disciplinary action but will be included in data tracking and could help identify repeat offenders. Every effort should be made to notify anonymous complainants when another complaint is received about the same alleged perpetrator so the anonymous complainant can re-evaluate if they would like to file a formal complaint.
   b. Formal Reports:
      i. People making verbal or written complaints should be notified that their reports will be included in data tracking and could lead to a confidential informal investigation, mediation, counseling, or a formal investigation. The complainant should be notified of the outcome of any investigation.

2. The MGA should establish data tracking for anonymous reports and formal reports. Remedy data should be tracked for formal reports.
3. The MGA should expand the list of people who are specially trained and authorized to receive confidential initial reports of harassment to include: All committee Chairs and Vice-Chairs, the minority leader’s office, the Women’s Caucus, Black Caucus, and Latino Caucus staff person, and a selected contact in the State Ethics Commission. Reports received by these initial contacts should be confidentially conveyed to a Sexual Harassment Specialist (see recommendation 9 below) within Human Resources, and should be subject to data tracking.

4. Confidential reports brought by members or against members should remain confidential until the initial investigation conducted by the HR specialist is completed. Unless the reporting party requests notification of the presiding officers, confidentiality should be maintained until the resolution phase.

5. The *MGA Anti-Harassment Policy and Procedures* document should be updated to clarify how confidentiality for all parties is managed at every step of the reporting, investigation, and resolution process.

**Accountability Recommendations for Members and Staff**

1. The legislature should ensure the *Joint Committee on Legislative Ethics* immediately adopts a code of conduct for members with a clear and detailed definition of harassment in a legislative environment, what behaviors anti-retaliation prohibitions should prevent (including defining retaliation for members, staff, and lobbyists), and a detailed list of potential consequences.

2. The legislature should require the use of an independent investigator to work with the *Joint Committee on Legislative Ethics* to investigate any formal reports filed against elected members.

3. The MGA should expand the list of disciplinary actions possible for legislators found to be engaging in sexual harassment in the Human Resources policy to include the loss of leadership position or future leadership position along with warning, reprimand, reassignment, and expulsion. This should also be included in the Code of Conduct to be developed by the *Joint Committee on Legislative Ethics*.

4. The legislature should make anti-harassment training attendance by legislators subject to the Maryland Public Information Act.

5. Because of student interns’ unique vulnerability within the workplace, the MGA should consult with the new Sexual Harassment specialist to design and adopt a policy based on best practices that prohibits sexual relationships between legislators and student interns (See New York Policy, 2007). Relationships between members or staff and their direct reports (including interns) should also be prohibited.
Accountability Recommendations for Lobbyists

1. The State Ethics Commission should adopt a Code of Conduct for lobbyists with a clear and detailed definition of sexual harassment, what behaviors anti-retaliation prohibitions should prevent and a detailed list of potential consequences. This Code of Conduct should be substantially similar to the Code of Conduct to be developed by the Joint Committee on Legislative Ethics for members.

2. The legislature should empower the State Ethics Commission to receive confidential reports, investigate & issue disciplinary action in response to sexual harassment allegations against registered lobbyists.

Cultural Change Recommendations

1. The MGA should develop a flow chart explaining the reporting and investigation process for each set of stakeholders. The flowchart should include bystander intervention as an option for interrupting or ending harassment. The MGA should distribute this flow chart to all members and encourage it to be posted in their offices.

2. The MGA should conduct an educational campaign for staff and members to include brown bag lunches with leadership, briefings with the respective caucuses, posting about the reporting process in restrooms and committee bulletin boards, etc. This educational campaign should include: information on employee rights, including who is protected under Maryland law and what courses of action are available including criminal and tort claims; the promotion of bystander intervention, information on the reporting process, descriptions of anti-retaliation protections, and direct contact information for the Annapolis or Maryland State Police, the Joint Committee on Legislative Ethics, and other direct-reporting contacts.

3. The MGA should include in our written anti-harassment policy a voluntary “self-help” procedure. The New York Legislature Policies on Sexual Harassment can be used as a model. In doing so, MGA should ensure the policy and language is supportive of victims who choose self-help, as well as victims who do not.

4. The legislature should require the implementation of a biennial and confidential climate survey by an outside vendor to assess the prevalence of workplace violations and existence of a hostile work environment in the Maryland General Assembly. The potential impact and consequences of requiring mandatory reporting should be assessed in the initial survey.

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