



North Carolina General Assembly
Legislative Ethics Committee

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March 9, 2010

To: Members of the General Assembly

**From: Senator Steve Goss and Representative Rick Glazier, Cochairs of the
Legislative Ethics Committee**

**Re: Ethical Principle and Guideline 9: Creating and Maintaining a Respectful
Workplace at the General Assembly**

It is the responsibility of each legislator to create and maintain a work environment at the General Assembly in which all legislators and employees are free from workplace harassment and are treated respectfully. Workplace harassment of any legislator or employee on the basis of his or her race, sex, creed, religion, national origin, age, color, or disability may be unlawful, discredits the integrity of the General Assembly, and is unethical conduct. Harassing behavior in the workplace will not be condoned or tolerated. The responsibility to create and maintain a respectful workplace also applies to activities that involve legislative business or legislative events that occur away from the State legislative buildings and grounds.

It is unethical for a legislator to retaliate against any person who in good faith files a complaint of workplace harassment. It is also unethical for a legislator to retaliate against any person who gives information relating to a complaint of workplace harassment.

It is unethical to knowingly file a false complaint of workplace harassment.

Special Considerations for Youth Staff

Legislators are reminded that holding office may involve interactions with minors and youth staff. Young people are looking to legislators to be good role models and to set positive examples. Therefore, legislators should give extra attention to their conduct around all youth. For example, there are topics that might be permissible for two adults to discuss and not be in violation of professional conduct responsibilities, but the same topics would not be appropriate for a legislator to discuss with a page.

It is unethical for any legislator to make sexual advances to, make requests for sexual favors of, or exhibit any conduct of a sexual nature, whether physical, electronic, oral, or in writing, in the presence of a minor who is an employee, visitor or guest of the General Assembly under any circumstances, even if the legislator believes such conduct is invited or welcome.

Definitions

1. "Employee" includes all of the following: any permanent, temporary, full-time, part-time or other person employed by the Legislative Services Commission, the House of Representatives, or the Senate; any applicant for employment by the Legislative Services Commission, the House of Representatives, or the Senate; any officer of the General Assembly who is not also a legislator or the Lieutenant Governor; and any page, intern or extern.

2. "Workplace harassment" means treatment or behavior that to a reasonable person creates an intimidating, hostile or abusive work environment and includes sexual harassment. Harassment may be based on a person's race, sex, creed, religion, national origin, age, color, or disability.

3. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (a) A person says or suggests that declining to submit to the conduct will affect another person's job, benefits or business before the General Assembly;
- (b) A person uses submission to or rejection of the conduct as the basis for decisions affecting another person's employment; or
- (c) The conduct has the purpose or effect of unreasonably interfering with another person's performance or creating an intimidating, hostile or offensive environment in which another person works.

"Sexual harassment" includes the following conduct:

- i. Verbal abuse of a sexual nature;
- ii. Graphic and offensive comment about a person's body or attire;
- iii. Touching of a sexual nature;
- iv. Sexual advances and propositions;
- v. Sexually degrading words used to describe a person;
- vi. Display in the workplace, including electronically of any sexually suggestive object or picture; and
- vii. Any threat or insinuation that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts or any other condition of employment or business before the General Assembly.

Procedures for Reporting Harassment

A person who has experienced an unpleasant behavior from someone else may simply want the behavior to end. If comfortable and practical, the employee or legislator may talk to the "offender" about his or her behavior, explain that the behavior was offensive, and ask that the behavior stop. The employee or legislator may communicate with the offender in person or in writing. This step is not a prerequisite to any of the following procedures.

If the alleged "offender" is a legislator, the person who has experienced the offensive behavior may file a complaint with the Legislative Ethics Committee (LEC). The LEC shall investigate the complaint according to the procedures provided in G.S. 120-103.1. The filing of a complaint with the LEC does not bar a person from filing a complaint with management pursuant to the Legislative Services Commission (LSC) "Unlawful Workplace Harassment" Policy. The filing of a complaint under the LSC policy does not bar a person from filing a complaint with the LEC. The filing of a complaint with the LEC or the LSC does not bar a person from pursuing any other remedies available under federal or state law.