

**SENATE . . . . . No. 1898**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Rebecca L. Rausch***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting equality and respect in the legislature.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/22/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/18/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/18/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/22/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>1/22/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/22/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/23/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/29/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/1/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>1/29/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/29/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/23/2019</i>

**SENATE . . . . . No. 1898**

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By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1898) of Rebecca L. Rausch, Lindsay N. Sabadosa, James B. Eldridge, Joanne M. Comerford and other members of the General Court for legislation to promote equality and respect in the legislature. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act promoting equality and respect in the legislature.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 23M the  
2 following chapter:-

3 CHAPTER 23N. COMMISSION ON WORKPLACE HARASSMENT AND SEXUAL  
4 ASSAULT IN THE LEGISLATURE.

5 Section 1. As used in this chapter, the following words shall have the following meanings  
6 unless the context clearly requires otherwise:

7 “Claim”, a written statement submitted to the commission by a reporting individual  
8 alleging workplace harassment.

9 “Commission”, the commission on workplace harassment and sexual assault in the  
10 legislature.

11           “Complaint”, a written statement submitted to the commission by a complainant alleging  
12 workplace harassment.

13           “Complainant”, any state house personnel who files a claim with the commission stating  
14 that the person experienced, observed, or has reasonable reason to know of workplace  
15 harassment by a state house personnel or another person the complainant reasonably believes  
16 could affect the job security or career opportunities of the complainant.

17           “Investigative report”, a report compiled by the general counsel, duly appointed pursuant  
18 to Section 4 of this chapter, at the end of an investigation.

19           “Identity-based harassment”, verbal or physical conduct designed to humiliate, threaten,  
20 intimidate, coerce, demean, or disparage an individual targeted because of the individual’s race,  
21 color, religion, national origin, sex, gender expression, gender identity, sexual orientation,  
22 disability, age, genetic information, ancestry, or other aspect of a person’s identity, which  
23 conduct negatively interferes with an individual’s work performance or creates an intimidating,  
24 hostile, offensive, or otherwise untenable workplace environment.

25           “Reporting individual”, a person who has experienced or witnessed incidents of  
26 workplace harassment and has reported those incidents to the commission.

27           “Respondent”, an individual accused of workplace harassment by a reporting individual  
28 or complainant.

29           “Retaliatory action”, the discharge, suspension, demotion or other adverse employment  
30 action taken against an individual, reporting individual, or complainant that provides information  
31 to the commission.

32           “Sexual harassment”, unwelcome sexual advances, requests for sexual favors, or verbal  
33 or physical conduct of a sexual nature when (a) submission to or rejection of such advances,  
34 requests, or conduct is made either explicitly or implicitly a term or condition of employment or  
35 as a basis for an employment decision, or (b) such advances, requests, or conduct have the  
36 purpose or effect of unreasonably interfering with an individual’s work performance or creating  
37 an intimidating, hostile, humiliating or sexually offensive work environment.

38           “Sexual assault”, any nonconsensual sexual act involving physical touching.

39           “State house personnel”, any person whose essential job functions are substantially  
40 related to the operation of the general court. State house personnel shall include, but shall not be  
41 limited to, members of the Senate and House of Representatives, employees of the legislature,  
42 legislative interns, and employees of the executive branch whose principal place of business is  
43 the state house.

44           “Workplace harassment”, an incident involving elements of identity-based harassment,  
45 sexual harassment or sexual assault as defined in this chapter.

46           Section 2. (a) There shall be within the executive office of administration and finance, but  
47 not under its control, a commission on workplace harassment and sexual assault in the  
48 legislature. The commission shall respond to claims and investigate and report on complaints of  
49 workplace harassment as provided in this chapter. The commission shall be an independent  
50 public entity not subject to the supervision and control of any other executive office, department,  
51 commission, board, bureau, agency or political subdivision of the commonwealth.

52           (b) The commission shall consist of 13 members:

53 (1) 1 of whom shall be appointed by the governor, provided however that the  
54 appointee shall not be a current employee of the executive branch;

55 (2) 1 of whom shall be appointed by the senate president, provided however that the  
56 appointee shall not be a current member of the Senate or the House of Representatives;

57 (3) 1 of whom shall be appointed by the senate minority leader, provided however  
58 that the appointee shall not be a current member of the Senate or the House of Representatives;

59 (4) 1 of whom shall be appointed by the speaker of the house of representatives,  
60 provided however that the appointee shall not be a current member of the Senate or the House of  
61 Representatives;

62 (5) 1 of whom shall be appointed by the house minority leader, provided however  
63 that the appointee shall not be a current member of the Senate or the House of Representatives;

64 (6) 1 of whom shall be appointed by the Women's Bar Association of Massachusetts,  
65 who shall be a licensed attorney with demonstrated experience in the field of workplace  
66 harassment;

67 (7) 1 of whom shall be appointed by the Massachusetts LGBTQ Bar Association,  
68 who shall be a licensed attorney with demonstrated experience in the field of workplace  
69 harassment;

70 (8) 1 of whom shall be appointed by the Massachusetts Caucus of Women  
71 Legislators;

72 (9) 1 of whom shall be appointed by the Massachusetts Black and Latino Legislative  
73 Caucus;

74           (10) 2 of whom shall be appointed by the attorney general, 1 of whom shall be a sexual  
75 assault counsellor, as that term is defined in section 20J of chapter 233, and 1 of whom shall be a  
76 licensed attorney with experience as a mediator or other presider over alternative dispute  
77 resolution; and

78           (11) 2 of whom shall be appointed by the auditor, 1 of whom shall be a licensed social  
79 worker with demonstrated expertise in sexual harassment outreach and 1 of whom shall be a  
80 human resources professional with demonstrated expertise in the field of workplace harassment  
81 training.

82           The commission shall annually elect 1 of its members to serve as chair and 1 of its  
83 members to serve as vice-chair. Each member shall be appointed for a term of 3 years and shall  
84 be eligible for reappointment; provided, however, that a person appointed to fill a vacancy shall  
85 serve only for the unexpired term. A member shall not hold other employment in the government  
86 of the commonwealth or any of its political subdivisions. Each member of the commission shall  
87 be a resident of the commonwealth.

88           (c) Seven members of the commission shall constitute a quorum and the affirmative vote  
89 of seven members of the commission shall be necessary and sufficient for any action taken by  
90 the commission. Members shall serve without pay but shall be reimbursed for actual expenses  
91 necessarily incurred in the performance of their duties. Meetings of the commission shall be  
92 subject to sections 18 to 25, inclusive, of chapter 30A and records pertaining to the  
93 administration of the commission shall be subject to section 42 of chapter 30 and section 10 of  
94 chapter 66. All moneys of the commission shall be considered to be public funds for purposes of  
95 chapter 12A.

96           The commission shall not be required to obtain the approval of any other officer or  
97 employee of any executive agency in connection with the collection or analysis of any  
98 information. The commission shall not be required, prior to publication, to obtain the approval of  
99 any other officer or employee of any executive agency with respect to the substance of reports,  
100 investigative or annual, that the general counsel has prepared under this chapter.

101           (d) The commission shall have all the powers necessary or convenient to carry out and  
102 effectuate its purposes. The powers shall include, but shall not be limited to:

103           (i)     developing a plan of operation for the commission that shall include, but shall not  
104 be limited to, the implementation of procedures for operations of the commission and procedures  
105 for communications with the general counsel;

106           (ii)    making, amending and repealing rules and regulations for the management of the  
107 commission's affairs;

108           (iii)   making contracts and executing all instruments that are necessary or convenient  
109 for the carrying on of the commission's business;

110           (iv)    acquiring, owning, holding, disposing of or encumbering personal property and  
111 leasing real property in the exercise of the commission's powers and the performance of the  
112 commission's duties;

113           (v)     seeking and receiving grant funding from the federal government, departments or  
114 agencies of the commonwealth and private foundations;

115           (vi)    entering into and executing instruments in connection with agreements or  
116 transactions with any federal, state or municipal agency or other public institution or with any

117 private individual, partnership, firm, corporation, association or other entity that may be  
118 necessary in the commission's judgment, and to fix the compensation of such an individual or  
119 entity;

120 (vii) enter into interdepartmental agreements with other state agencies that the  
121 commission considers necessary to implement this chapter;

122 (viii) adopt and alter an official seal;

123 (ix) sue and be sued in its own name, plead and be impleaded; and

124 (x) establish lines of credit and establish at least 1 cash and investment account to  
125 receive appropriations from the commonwealth and for all other business activity granted by this  
126 chapter.

127 Section 3. The commission shall: (i) ensure the objective and thorough investigation of  
128 all workplace harassment complaints within its jurisdiction; (ii) ensure the transparency of  
129 processes and reports related to investigations of workplace harassment within its jurisdiction;  
130 (iii) monitor and record claims of workplace harassment reported to the commission by  
131 frequency and claim type; (iv) provide workplace harassment resources to individuals upon  
132 request; (v) establish models for workplace harassment policy guidelines and training programs  
133 for the general court; and (vi) conduct an annual workplace harassment survey for general court  
134 employees.

135 Section 4. (a) The commission shall appoint a general counsel by a majority vote. The  
136 general counsel shall be lawfully admitted to practice as an attorney in the commonwealth and  
137 shall supervise the administrative affairs and general management and operations of the



138 commission. The general counsel shall receive a salary commensurate with the duties of the  
139 office. The general counsel may appoint other officers and employees of the commission  
140 necessary to the functioning of the commission. Sections 9A, 45, 46, and 46C of chapter 30,  
141 chapter 31 and chapter 150E shall not apply to the general counsel of the commission. Sections  
142 45, 46 and 46C of chapter 30 shall not apply to any employee of the commission. The general  
143 counsel may establish personnel regulations for the officers and employees of the commission.  
144 The general counsel shall file an annual personnel report with the senate and house committees  
145 on ways and means containing the job classifications, duties and salary of each officer and  
146 employee of the commission together with personnel regulations applicable to the officers and  
147 employees.

148 (b) The general counsel shall, with the approval of the commission:

149 (i) plan, direct, coordinate and execute administrative functions in conformity with  
150 the policies and directives of the commission;

151 (ii) establish an intake procedure for the submission of claims by reporting  
152 individuals to the commission pursuant to section 5, including any necessary forms;

153 (iii) conduct investigations authorized by this chapter, including supervising summons  
154 and the collection of information relevant to authorized investigations; and

155 (iv) at the conclusion of each investigation and pursuant to the requirements of section  
156 7, submit an investigative report on the findings of the investigation to the appropriate parties.

157 Section 5. (a) The commission shall receive and review claims of workplace harassment  
158 according to procedures established by the general counsel.

159 (b) A reporting individual shall submit a claim in the form of a written statement to the  
160 commission including, but not limited to: (i) the name, position, and the department, if  
161 applicable, of the reporting individual; (ii) the name, position and department, if applicable, of  
162 the respondent; (iii) a description of the incident, including the date, location and presence of  
163 witnesses; (iv) the effect of the incident on the ability of the reporting individual to perform the  
164 reporting individual's job, or on other terms or conditions of the reporting individual's  
165 employment; and (v) other information the reporting individual believes is relevant to the claim.  
166 The general counsel or a member of the commission staff may assist the reporting individual in  
167 completing the written statement. The general counsel may request additional information from  
168 the reporting individual in the form of a written statement or an in-person interview.

169 (c) The commission shall notify a reporting individual orally and in writing of any  
170 organization or government entity that has jurisdiction to address the specific incident of  
171 workplace harassment reported by the individual including, but not limited to: (i) the attorney  
172 general; (ii) a law enforcement official; (iii) the Massachusetts Commission Against  
173 Discrimination; and (iv) the federal Equal Employment Opportunity Commission. A notification  
174 under this subsection shall include an option for the claim to be sent to an organization or  
175 government entity at the discretion and with the consent of the reporting individual. Claims  
176 submitted to the commission shall be recorded and retained by the commission.

177 (d) The procedures and remedies available to a reporting individual under this chapter  
178 shall not preempt or supersede any legal procedures or remedies otherwise available to an  
179 individual under local, state or federal law.

180           Section 6. (a) The general counsel shall execute and supervise investigations under this  
181 chapter.

182           (b) If the commission determines that a reporting individual is a complainant as defined  
183 by this chapter, the general counsel shall open an investigation into the complaint reported by the  
184 complainant and notify the complainant and respondent in writing that an investigation has been  
185 opened.

186           (c) The commission shall issue rules and regulations to establish a process for a  
187 respondent to appeal the determination that a reporting individual is a complainant under this  
188 section. The process shall include notice and an opportunity for a hearing.

189           (d) The general counsel may request the production, on a voluntary basis, of testimony or  
190 documents from an individual, government agency or non-governmental entity. The general  
191 counsel may require by summons the production of all records, reports, audits, reviews, papers,  
192 books, documents, recommendations, correspondence and any other data and material relevant to  
193 a matter under investigation pursuant to this chapter. The summons shall be served in the same  
194 manner as a summons for the production of documents in civil cases issued on behalf of the  
195 commonwealth and the law relative to the summons shall apply to a summons issued pursuant to  
196 this chapter. A justice of the superior court department of the trial court of the commonwealth  
197 may, upon application by the general counsel, issue an order to compel the production of records,  
198 reports, audits, reviews, papers, books, documents, recommendations, correspondence and any  
199 other data and material relevant to any matter under investigation pursuant to this chapter. A  
200 failure to obey such an order may be punished by the court as contempt.

201 (e) A summons issued pursuant to this section shall not be made public by the general  
202 counsel or any officer or employee of the commission and any information provided pursuant to  
203 this section shall not be made public until such time as it is necessary for the general counsel to  
204 do so through the issuing of an investigative report. Disclosure of production, attendance or  
205 testimony may be made to the members of the staff of the commission as is deemed necessary by  
206 the general counsel.

207 (f) An investigation may be closed when the general counsel determines a sufficient  
208 amount of information has been collected to find that it is more likely than not that workplace  
209 harassment occurred or to determine that a finding could not be made. An investigation under  
210 this section shall be completed in not more than 6 months; provided, however, that the  
211 commission may, upon a request by the general counsel, approve an extension of not more than 6  
212 months.

213 Section 7. (a) At the conclusion of an investigation, the general counsel shall compile and  
214 submit a report on the findings of the investigation.

215 (b) The report shall include, but shall not be limited to: (i) the position and department, if  
216 applicable, of the complainant; (ii) the name, position and department, if applicable, of the  
217 respondent; (iii) the time and location of the incident being investigated; (iv) a detailed  
218 description of the incident; (v) resources provided to the complainant by the commission or other  
219 governmental or non-governmental entities; and (vi) a finding that it is more likely than not that  
220 harassment occurred or a statement that a finding could not be made. If after an investigation a  
221 majority of the commission determines that it is more likely than not that harassment occurred,  
222 the commission shall include in the report a recommendation for disciplinary action, including

223 but not limited to: in the case of a legislator, reprimand, censure, temporary or permanent  
224 removal from committee chairmanship or other position of authority, suspension with or without  
225 pay, or expulsion; in the case of an officer or employee of the general court, reprimand,  
226 suspension or removal. Said report shall not prevent the senate or house of representatives from  
227 taking any other action as it shall deem advisable and appropriate.

228 (c) Prior to a report being released, the general counsel shall notify the complainant and  
229 the respondent that the investigation has been closed and issue a copy of the investigative report  
230 to the complainant and respondent for review. The commission shall issue rules and regulations  
231 to establish a process for a complainant or respondent to appeal the release of an investigative  
232 report before a report is released. The process shall include notice and an opportunity for a  
233 hearing.

234 (d) The general counsel shall submit a copy of the investigative report to all interested  
235 parties including, but not limited to: (i) the complainant; (ii) the respondent; (iii) each member of  
236 the commission; and (iv) the respondent's employer, provided, however, that if the respondent is  
237 a member of the legislature, the report will be sent to the committee on ethics in the chamber  
238 where the respondent is a member. A copy of the report may be submitted to the attorney general  
239 or the district attorney for the district in which the incident occurred with the complainant's  
240 written consent.

241 Section 8. (a) Except as otherwise provided in this section, the proceedings and records of  
242 the commission related to investigations shall be confidential and not subject to section 10 of  
243 chapter 66. The commission shall establish procedures, applicable to members of the

244 commission, general counsel, and staff that ensure compliance with the confidentiality  
245 requirements of this chapter.

246 (b) If the subject matter of an investigation becomes public through independent sources,  
247 the general counsel may issue a statement to confirm the pendency of the investigation or to  
248 clarify the procedural aspects of the investigation.

249 (c) Reports submitted to interested parties by the general counsel shall be confidential  
250 and not subject to section 10 of chapter 66, including reports sent to individuals, members of the  
251 commission and governmental and non-governmental entities. A party that receives a report  
252 from the general counsel shall notify staff, if any, that the report is confidential and take steps to  
253 ensure non-disclosure of the report.

254 (d) Nothing in this chapter shall preclude or limit the right of a complainant, respondent  
255 or witness to share personal information under federal, state or local law.

256 Section 9. A person shall not discharge or cause to be discharged or otherwise discipline  
257 or in any manner discriminate against or take any other retaliatory action against any employee,  
258 client or other person for providing information to the commission, the general counsel or  
259 commission staff, including filing a report or complaint with the commission or testifying in a  
260 commission proceeding. A person who willfully violates this section shall be punished by a fine  
261 of not more than \$1,000 or by imprisonment for not more than 1 year, or both. A person who  
262 takes such a prohibited action against an employee, client or other person may be liable to that  
263 employee, client or other person for treble damages, costs and attorney's fees.

264 Section 10. The commission shall annually conduct a workplace harassment survey of all  
265 employees and interns of the general court. The survey shall be administered electronically and

266 the identity of the survey takers shall be anonymous. The survey shall include a definitions  
267 section that shall include but shall not be limited to the definitions of identity-based harassment,  
268 sexual harassment and sexual assault under this chapter. The survey shall include a demographic  
269 section that shall include the age, sex, gender identity, race, ethnicity, sexual orientation,  
270 religious affiliation, level of education and relationship status of the survey taker. The survey  
271 shall include a questions section that shall include, but shall not be limited to the following  
272 questions: (i) “Have you experienced or witnessed some form of workplace harassment or  
273 assault-related behaviors in the past 12 months?”; (ii) “If you have experienced or witnessed  
274 some form of workplace harassment or assault-related behaviors, what was the primary basis for  
275 the specific behavior or set of experiences?”; (iii) “If you have experienced or witnessed some  
276 form of workplace harassment or assault-related behaviors, when and where did the specific  
277 behavior or set of experiences occur?”; (iv) “If you have experienced or witnessed some form of  
278 workplace harassment or assault-related behaviors, how often and for how long did the specific  
279 behavior or set of experiences persist?”; (v) “If you have experienced or witnessed some form of  
280 workplace harassment or assault-related behaviors, who was involved in the specific behavior or  
281 set of experiences?”; (vi) “If you have experienced or witnessed some form of workplace  
282 harassment or assault-related behaviors, what was the job title of the person or persons involved  
283 in the specific behavior or set of experiences?”; (vii) “If you have experienced or witnessed some  
284 form of workplace harassment or assault-related behaviors, did your work role require you to  
285 continue to interact with the person or persons involved?”; (viii) “If you have experienced or  
286 witnessed some form of workplace harassment or assault-related behaviors, did you discuss the  
287 specific behavior or set of experiences with anyone at work?”; (ix) “If you have experienced or  
288 witnessed some form of workplace harassment or assault-related behaviors, did you make a

289 complaint or report in response to the specific behavior or set of experiences?"; (x) "If you have  
290 made a complaint or report, what happened as a result of it?"; (xi) "If you have experienced or  
291 witnessed some form of workplace harassment or assault-related behaviors and did not make a  
292 complaint or report, what were the reasons for not doing so?"; (xii) "If you have experienced or  
293 witnessed some form of workplace harassment or assault-related behaviors, what effect did the  
294 specific behavior or set of experiences have on your interpersonal relationships, physical or  
295 emotional well-being, job performance or willingness to remain a part of the legislature?"; (xiii)  
296 "If you have experienced or witnessed some form of workplace harassment or assault-related  
297 behaviors, what resources did you use to make a complaint or report or receive additional  
298 information about workplace harassment, if any?"; (xiv) "If you experience or witness workplace  
299 harassment or assault-related behaviors, will you make a complaint or report?"; and (xv) "If you  
300 would not make a complaint or report after experiencing or witnessing workplace harassment or  
301 assault behaviors, is it due to a fear of retaliatory action?".

302           Section 11. The commission shall annually compile a report that shall include, but shall  
303 not be limited to: (i) the number of incidents of workplace harassment and assault reported to the  
304 commission, classified and analyzed by the type of incident, the demographics of reporting  
305 individuals and the percentage of reports that led to investigations; (ii) the number of  
306 investigations opened by the general counsel, classified by respondent job title; (iii) the number  
307 of investigative reports issued by the commission, classified by the type of incident, the  
308 demographics of complainants and the demographics of respondents; (iv) the results of the  
309 workplace harassment survey conducted pursuant to section 10 as raw data and synthesized to  
310 identify and describe correlations and overarching trends; (vi) recommended changes to the  
311 model workplace harassment policies established by the commission, if any; and (vii) any other



312 information that may assist the legislature in preventing and effectively responding to incidents  
313 of workplace harassment. The commission shall file the annual report with the senate president,  
314 the speaker of the house of representatives, the clerks of the senate and house of representatives  
315 and the chairs of the joint committee on rules not later than September 15.

316 Section 12. The commission shall promulgate the rules and regulations and perform the  
317 functions that are necessary for the administration, implementation and enforcement of this  
318 chapter.

319 SECTION 2. Notwithstanding subsection (b) of section 2 of chapter 23N of the General  
320 Laws, the initial appointments to the commission on workplace harassment and sexual assault in  
321 the legislature made by the governor, senate president and senate minority leader shall serve for a  
322 term of 3 years, the initial appointments made by the speaker of the house of representatives and  
323 the house minority leader and 1 of the initial appointments made by the attorney general shall  
324 serve for a term of 2 years and the initial appointments made by the auditor and 1 of the initial  
325 appointments made by the attorney general shall serve for a term of 1 year.

326 SECTION 3. (a) The commission on workplace harassment and sexual assault in the  
327 legislature established by chapter 23N shall, in consultation with the Massachusetts Commission  
328 Against Discrimination, research and develop model workplace harassment policies for  
329 consideration and use by the senate and house of representatives. In developing the model  
330 policies, the commission may request and receive information and testimony from experts in  
331 relevant fields including, but not limited to, workplace harassment, sexual assault, personnel  
332 policies and human resources management. The model workplace harassment policies shall  
333 include, at a minimum: (i) a statement of the illegality of workplace harassment; (ii) a definition

334 of identity-based harassment, sexual harassment and sexual assault; (iii) descriptions of conduct  
335 constituting identity-based harassment, sexual harassment and sexual assault, including  
336 examples; (iv) resources available to reporting individuals including, but not limited to, contact  
337 information for the commission, the Massachusetts Commission Against Discrimination and the  
338 federal Equal Employment Opportunity Commission; and (v) protection against retaliatory  
339 action. The commission shall submit the model workplace harassment policies, including  
340 specific policy language, to the senate president, the speaker of the house of representatives, the  
341 clerks of the senate and house of representatives, and the chairs of the joint committee on rules.  
342 The senate and house of representatives may adopt the model policies submitted pursuant to this  
343 section in whole or in part.

344 (b) The commission shall research and develop a model workplace harassment training  
345 program for consideration and use by the senate and house of representatives. In developing the  
346 model training program, the commission may contract with third party vendors and request and  
347 receive information and testimony from experts in relevant fields such as identity-based  
348 harassment, sexual harassment, sexual assault, personnel policies and human resources  
349 management. The model training program shall include, at a minimum: (i) a definition of  
350 “effective interactive training”; (ii) a definition of “legislative employee”; (iii) a definition of  
351 “unlawful conduct”, which shall include applicable federal and state statutory and case law  
352 references and principles; (iv) minimum trainer qualifications; (v) minimum training frequency  
353 and duration requirements; (vi) procedures for training completion documentation, including  
354 minimum record retention requirements and procedures for individual tracking; and (vii) training  
355 content requirements, including, but not limited to, types of conduct that constitute workplace  
356 harassment, remedies available to reporting individuals, strategies to prevent workplace

- 357 harassment, practical examples of workplace harassment and hypothetical situations,
- 358 confidentiality of the reporting process and resources for reporting individuals.