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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 276 Session of  
2023

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INTRODUCED BY MAJOR, KLUNK, KRUPA, SCHEUREN, FLOOD, PICKETT,  
BENHAM, OWLETT, SMITH, D'ORSIE, M. MACKENZIE, STENDER,  
R. MACKENZIE, HAMM, STEHR, MARCELL, SCHMITT, TOMLINSON AND  
GAYDOS, DECEMBER 8, 2023

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REFERRED TO COMMITTEE ON RULES, DECEMBER 8, 2023

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A RESOLUTION

1 Amending House Rules 1 E, 2.1 E and 3 E, further providing for  
2 definitions, for professional conduct and for Committee on  
3 Ethics.

4 RESOLVED, That the definition of "sexual harassment" in House  
5 Rule 1 E be amended to read:

6 RULE 1 E

7 Definitions

8 The following words and phrases when used in the Ethical and  
9 Professional Conduct Rules of the House of Representatives shall  
10 have the meanings given to them in this Rule unless the context  
11 clearly indicates otherwise:

12 \* \* \*

13 "Sexual harassment." Unwelcome sexual advances, requests for  
14 sexual favors or other verbal, nonverbal or physical conduct of  
15 a sexual nature.

16 \* \* \*

17 RESOLVED, That House Rules 2.1 E and 3 E be amended to read:

1 RULE 2.1 E

2 Professional Conduct

3 The House of Representatives is committed to creating and  
4 maintaining a work environment free from discrimination and  
5 harassment.

6 (1) No Member or officer of the House shall engage in  
7 [discrimination or harassment, including sexual harassment,]  
8 discrimination, harassment or sexual harassment of:

9 (a) another Member or officer of the House or House  
10 employee; or

11 (b) any individual:

12 (i) while performing [services or duties of the  
13 House] House-related services or duties;

14 (ii) in or on House designated offices, property or  
15 facilities; or

16 (iii) at a House-sponsored meeting or event.

17 (2) No Member, officer of the House or House employee shall  
18 retaliate against an individual in response to any of the  
19 following actions taken in good faith:

20 (a) Filing:

21 (i) a complaint of [discrimination or harassment]  
22 discrimination, harassment or sexual harassment under  
23 Rules of the House or the policies and procedures of an  
24 employer;

25 (ii) a charge of [discrimination or harassment]  
26 discrimination, harassment or sexual harassment with a  
27 government agency or commission charged with enforcing  
28 laws relating to [discrimination or harassment]  
29 discrimination, harassment or sexual harassment;

30 (iii) a civil action or arbitration relating to

1 [discrimination or harassment] discrimination, harassment  
2 or sexual harassment in a court of competent  
3 jurisdiction; or

4 (iv) a criminal complaint relating to harassment or  
5 sexual harassment with a law enforcement agency.

6 (b) Participating in an investigation in connection with  
7 or proceedings resulting from the filing of a complaint or  
8 proceeding under paragraph (a).

9 (3) Nothing under subsection (2) shall be construed to  
10 prevent action against a Member or officer of the House who is  
11 the subject of a complaint or proceeding related to  
12 [discrimination or harassment] discrimination, harassment or  
13 sexual harassment.

#### 14 RULE 3 E

#### 15 COMMITTEE ON ETHICS

16 The Committee shall consist of eight Members, four of whom  
17 shall be members of the majority party appointed by the Speaker,  
18 and four of whom shall be members of the minority party  
19 appointed by the Minority Leader. From the Members appointed to  
20 the Committee, the Speaker shall appoint a chair, vice-chair and  
21 secretary for the Committee. The chair shall be a member of the  
22 majority party, and the vice chair shall be a member of the  
23 minority party.

24 The members of the Committee shall first meet upon the call  
25 of the chair and perfect its organization. A majority of the  
26 Committee shall constitute a quorum for it to proceed to  
27 business. Unless otherwise provided in this rule, a majority of  
28 the Committee shall be required to take any action authorized by  
29 this rule. The Committee shall have the power to promulgate  
30 rules not inconsistent with this rule or Rules of the House that

1 may be necessary for the orderly conduct of its business.

2 The chair of the Committee shall notify all members of the  
3 Committee at least 24 hours in advance of the date, time and  
4 place of meetings and, insofar as possible, the subjects on the  
5 agenda. Meetings may be called from time to time by the chair of  
6 the Committee as the chair deems necessary. A member of the  
7 Committee may request that the chair call a meeting for a  
8 specific purpose. If the chair refuses to call a meeting upon  
9 such request, a majority of the Committee may vote to call a  
10 meeting by giving two days' written notice to the Speaker of the  
11 House setting forth the time and place for such meeting. Such  
12 notice shall be read in the House and posted in the House  
13 Chamber by the Chief Clerk or a designee. Thereafter, the  
14 meeting shall be held at the time and place specified in such  
15 notice.

16 The Committee shall not continue to exist after sine die  
17 adjournment of the General Assembly. Proceedings on matters  
18 before the Committee that have not been concluded or disposed of  
19 by sine die adjournment of the General Assembly shall cease on  
20 such date and all documents, reports, communications,  
21 transcripts and other materials compiled by the Committee for  
22 such matters, as well as any communications or other materials  
23 received by the Committee after sine die adjournment of the  
24 General Assembly, shall be collected, organized and submitted to  
25 the Chief Clerk under seal for transition to the reconstituted  
26 Committee consisting of Members appointed from the incoming  
27 General Assembly. These materials shall be held in a secure  
28 manner and nothing in this rule shall authorize the Chief Clerk  
29 or any other person to view such materials. Within 30 days  
30 following the reconstitution of the Committee in the next

1 succeeding legislative term, the Committee shall review such  
2 materials and determine whether or not to proceed with one or  
3 more of the matters under review by the former Committee or  
4 received after sine die adjournment. Any time period required  
5 for any actions of the Committee or others under this rule shall  
6 be tolled until the reconstituted Committee has made a  
7 determination whether or not to proceed. If the Committee  
8 determines to proceed with a matter, the Committee may continue  
9 from the stage in the consideration of the matter where the  
10 former Committee ended if a majority of the Committee determines  
11 that such continuation is appropriate without reconsideration of  
12 the information provided by the former Committee.

13 The Committee shall compile, update and distribute a Members'  
14 Handbook on Ethics for Members and House Employees on matters  
15 regarding the ethical conduct of their legislative duties. Each  
16 Member shall complete two hours of ethics education and training  
17 and one hour of discrimination and harassment in the workplace  
18 education and training each legislative term. A Member shall be  
19 excused from one hour of ethics training for any full year the  
20 Member was absent due to illness, injury, military service or  
21 any other permissible excuse under General Operating Rule 64(a).  
22 The Committee shall be responsible for planning and  
23 administering the education and training programs.

24 The Committee shall issue to a Member upon the Member's  
25 request an advisory opinion regarding the Member's duties under  
26 Rule 2 E relating to legislative nonprofit organizations. The  
27 opinion shall be issued within 14 days following the request. No  
28 Member who acts in good faith on an opinion issued under this  
29 paragraph shall be subject to any sanctions for so acting if the  
30 material facts are as stated in the request. Opinions issued

1 under this paragraph shall be public records and may from time  
2 to time be published. Notwithstanding the foregoing, the Member  
3 requesting the opinion may request that an opinion undergo  
4 deletions and changes necessary to protect the identity of the  
5 persons involved, and the Committee shall make such deletions  
6 and changes.

7 The Committee may issue other advisory opinions with regard  
8 to questions pertaining to other legislative ethics or decorum  
9 at the request of a Member or House employee. An opinion issued  
10 under this paragraph shall be confidential and shall apply  
11 exclusively to the requestor. No requestor who acts in good  
12 faith on an opinion issued under this paragraph shall be subject  
13 to any sanctions for acting in accordance with the opinion if  
14 the material facts are as stated in the request.

15 The Committee shall receive complaints against Members and  
16 House employees alleging unethical conduct under the Legislative  
17 Code of Ethics or the Rules of the House and complaints against  
18 Members and officers of the House for violations of Rule 2.1 E.  
19 A complaint must be in writing and be signed and dated by the  
20 person filing the complaint under penalty of law under 18  
21 Pa.C.S. § 4904 (relating to unsworn falsification to  
22 authorities). The complaint must set forth in detail the actions  
23 constituting the alleged unethical conduct or violation. No  
24 person shall disclose or acknowledge to any other person any  
25 information relating to the filing of a complaint or the  
26 proposed filing of a complaint, except as otherwise authorized  
27 under this rule or Rule 2.1 E, for the purpose of seeking legal  
28 advice, as otherwise required by law or to carry out a function  
29 of the Committee.

30 The Committee shall not have jurisdiction over, shall not

1 accept for review or action and shall return to the complainant  
2 with a notice explaining the Committee's lack of jurisdiction  
3 any of the following:

4 (1) a complaint filed later than five years following  
5 the occurrence of the alleged unethical conduct or violation;

6 (2) a complaint filed against a former Member or former  
7 House employee unless required by Section 7(c) of the  
8 Legislative Code of Ethics; or

9 (3) a complaint filed against a Member during a  
10 restricted period.

11 A five-year limitations period that expires during a  
12 restricted period shall be tolled until the day following the  
13 election occurring at the expiration of the restricted period.

14 Within 30 days following receipt of a complaint over which  
15 the Committee has jurisdiction under this rule, the Committee  
16 shall do one of the following:

17 (1) dismiss the complaint with notice explaining the  
18 basis for the Committee's dismissal if it:

19 (a) alleges facts that do not constitute unethical  
20 conduct or a violation of Rule 2.1 E;

21 (b) is objectively baseless;

22 (c) is materially insufficient as to form;

23 (d) is a frivolous complaint; or

24 (2) initiate a preliminary investigation of the alleged  
25 unethical conduct or violation.

26 If the Committee dismisses the complaint, the Committee shall  
27 provide notice to the complainant explaining the basis for  
28 dismissal under paragraph (1).

29 If the Committee initiates a preliminary investigation, it  
30 shall, promptly upon voting to proceed, send the subject a

1 letter setting forth each allegation in the complaint. Within 15  
2 days after receipt of the letter, the subject may file a written  
3 response with the Committee. Failure of the subject to file a  
4 response shall not be deemed to be an admission, or create an  
5 inference or presumption, that the allegations in the complaint  
6 are true, and such failure shall not prohibit the Committee from  
7 either proceeding with the preliminary or a formal investigation  
8 or dismissing the complaint. The Committee may engage  
9 independent counsel to assist in a preliminary investigation.  
10 The subject may be represented by counsel of the subject's  
11 choosing at any point during an investigation under this rule.

12 If the Committee initiates a preliminary investigation of a  
13 complaint of a violation under Rule 2.1 E, it shall also send to  
14 the appropriate employer a copy of the letter sent to the  
15 subject setting forth each allegation in the complaint. Upon the  
16 request of the complainant, the employer shall make adjustments  
17 to the complainant's work hours, assignment or duties or  
18 location that may be appropriate under the circumstances of the  
19 allegations in the complaint. The adjustments may include:

20 (1) removing the complainant or the subject from the  
21 physical work location of the complainant;

22 (2) allowing the complainant to be placed on  
23 administrative leave with continued pay and benefits, if  
24 applicable; or

25 (3) any other reasonable accommodation agreed to by the  
26 employer and the complainant.

27 The employer shall keep the letter and the fact of the  
28 initiation of a preliminary investigation confidential but may  
29 disclose necessary information to Members, officers of the House  
30 or House employees as needed in order to implement the foregoing



1 adjustments. No House employee shall retaliate or take adverse  
2 actions against the complainant in response to the filing of a  
3 complaint of a violation of Rule 2.1 E with the Committee.

4 A Member of the Committee who is the complainant, the subject  
5 or a witness to the unethical conduct or violation alleged in a  
6 complaint shall not participate in any Committee consideration  
7 of the complaint. The Member shall be temporarily replaced on  
8 the Committee in a like manner as the Member's original  
9 appointment.

10 Within 30 days following the initiation of a preliminary  
11 investigation, the Committee shall vote to dismiss the complaint  
12 for lack of probable cause to support the alleged unethical  
13 conduct or violation or to proceed with a formal investigation  
14 because it finds that probable cause exists. If a majority of  
15 the Committee is unable to agree on either course of action, the  
16 Committee shall dismiss the complaint. The Committee shall  
17 promptly notify the complainant and the subject in writing of  
18 the result.

19 If the Committee votes to dismiss the complaint for lack of  
20 probable cause to support the alleged unethical conduct or  
21 violation after a preliminary investigation, the complainant may  
22 file an appeal of that dismissal to the Committee within 30 days  
23 of receiving the dismissal letter. The appeal must include a  
24 concise statement of the reasons for the appeal and a  
25 specification with particularity of the points of fact, the  
26 Legislative Code of Ethics or the Rules of the House, supposed  
27 to have been overlooked or misapprehended by the Committee.

28 Within 14 days after receiving a request for appeal, the  
29 Committee shall send a letter to the subject setting forth the  
30 reasons given in the appeal. Within 15 days after receipt of the

1 letter, the subject may file a written response with the  
2 Committee. Failure of the subject to file a response shall not  
3 be deemed to be an admission, or create an inference or  
4 presumption, that the appeal should be granted.

5 Within 45 days of receiving an appeal, the Committee shall  
6 decide whether to proceed with a formal investigation or deny  
7 the appeal.

8 If the Committee votes to proceed with a formal  
9 investigation, the Committee shall engage independent counsel  
10 unless the Committee determines that the alleged unethical  
11 conduct or violation raised in the complaint does not warrant  
12 the expense of engaging independent counsel. If the Committee  
13 does not engage independent counsel, the Committee shall be  
14 represented in the investigation and any hearing conducted under  
15 this rule by Committee staff attorneys, including at least one  
16 from each party.

17 The Committee, including Committee staff attorneys, and any  
18 independent counsel engaged by the Committee shall have the  
19 power to conduct investigations and hearings under the  
20 guidelines set out in this rule. Where a provision of this rule  
21 conflicts with another Rule of the House, the provision of this  
22 rule shall govern. This rule shall be construed to empower the  
23 Committee and its independent counsel to do all of the  
24 following:

- 25 (1) act as a neutral fact-finder;
- 26 (2) fully investigate and deter unethical conduct or  
27 violation of Rule 2.1 E;
- 28 (3) protect due process and other constitutional rights  
29 of a subject; and
- 30 (4) protect the public trust.

1 The Chief Clerk shall pay the fees and expenses of  
2 independent counsel engaged by the Committee under this rule.

3 The Committee may issue subpoenas for documents or testimony  
4 as part of a preliminary investigation, a formal investigation  
5 or in connection with a hearing before the Committee.  
6 Notwithstanding the provision of any other Rule of the House,  
7 subpoenas issued under this rule shall be in the name of the  
8 Committee, shall be signed by the chair of the Committee and  
9 shall be attested by another Member of the Committee who voted  
10 in favor of authorizing the subpoena.

11 A subpoena issued by the Committee may be served upon any  
12 person and shall have the force and effect of a subpoena issued  
13 out of the courts of this Commonwealth. Subpoenas shall be  
14 served by the Sergeant-at-Arms of the House or another person  
15 designated by the Committee when directed to do so by the  
16 Committee. Each subpoena shall be addressed to the witness and  
17 shall state that such proceeding is before a Committee of the  
18 House for which the witness is required to attend and testify at  
19 a specified time and place; or to produce books, papers,  
20 records, accounts, reports, documents and data and information  
21 produced and stored by any electronic data processing system; or  
22 both, as the Committee may also require. Mileage and witness  
23 fees shall be paid by the House to such witness in an amount  
24 prescribed by law. Unless addressed to and served on the  
25 subject, a copy of a subpoena issued by the Committee shall be  
26 provided to the subject and the subject's counsel, if  
27 applicable. A person who willfully neglects or refuses to comply  
28 with a subpoena issued by the Committee shall be subject to the  
29 penalties provided by the laws of this Commonwealth with respect  
30 to such willful neglect or refusal. Notwithstanding the

1 foregoing, a recipient of a subpoena issued by the Committee may  
2 object to the subpoena by serving notice of such objection on  
3 the signatory to the subpoena and the Committee. The Committee  
4 may quash or modify the subpoena if it finds the subpoena to be  
5 overly broad or without proper purpose. Each Member of the  
6 Committee shall have the power to administer oaths and  
7 affirmations to witnesses appearing before the Committee.

8 All subpoenaed books, papers, records, accounts, reports,  
9 documents, data and information shall be returned to the person  
10 from whom such material was subpoenaed when the Committee has  
11 completed its examination of such material, but in no event  
12 later than the date of final disposition of the matter.

13 Following the completion of a formal investigation, the  
14 Committee shall conduct a hearing if:

15 (1) independent counsel engaged by the Committee  
16 recommends that a hearing be conducted and the Committee  
17 votes to adopt the recommendation; or

18 (2) independent counsel was not engaged by the Committee  
19 but the Committee finds that the testimony and documents  
20 reviewed by the Committee during the formal investigation  
21 indicates more likely than not that the unethical conduct or  
22 violation alleged in the complaint occurred.

23 If a hearing is to be conducted, the Committee shall provide  
24 the subject and complainant and their counsel, if applicable,  
25 with written notice consistent with constitutional principles of  
26 due process. The Pennsylvania Rules of Evidence shall apply  
27 during the hearing, unless the Committee determines otherwise.  
28 Notwithstanding the foregoing, the Committee may not infringe on  
29 the right of the subject to present evidence, cross-examine  
30 witnesses, face accusers and be represented by counsel at a

1 hearing conducted under this rule.

2 Witnesses called to appear at a hearing under this rule,  
3 including a subject, may be accompanied by their own counsel for  
4 the purpose of advising them concerning their constitutional  
5 rights. Counsel may interpose legal objection to any and all  
6 questions which in the opinion of counsel may violate the  
7 constitutional rights of counsel's clients.

8 The proceedings of a hearing conducted under this rule shall  
9 be either stenographically or electronically recorded. The  
10 Committee shall determine which parts of such recorded  
11 proceedings, if any, shall be transcribed.

12 The burden shall be on independent counsel, if one has been  
13 engaged by the Committee, or the Committee staff attorneys, if  
14 independent counsel has not been engaged, to prove that the  
15 unethical conduct or violation alleged in the complaint  
16 occurred. Within 30 days following the conclusion of the formal  
17 investigation and hearing, the Committee shall make a  
18 determination as to whether the unethical conduct or violation  
19 occurred and shall submit its finding to the House. If the  
20 Committee determines that the unethical conduct or violation  
21 occurred, the Committee may make one or more of the following  
22 recommendations to the House:

- 23 (1) a reprimand of the subject;
- 24 (2) a censure of the subject;
- 25 (3) expulsion of the subject from the House; or
- 26 (4) the denial or limitation of any right, power or  
27 privilege of the Member granted by Rules of the House and not  
28 contrary to the Pennsylvania Constitution.

29 The Committee shall provide a written report of its findings  
30 and recommendations, if any, to the subject and complainant and

1 shall simultaneously submit a copy of the same to the House.  
2 Only findings and recommendations agreed to by a majority of the  
3 Committee shall be included in the report. A minority statement  
4 may be included in the report by agreement of the chair and  
5 vice-chair. The House shall not take any action on the findings  
6 and recommendations submitted by the Committee and such findings  
7 and recommendations shall not be made public until a period of  
8 at least seven days has passed following the Committee's  
9 provision of the report to the subject and complainant.

10 The Committee may extend any of the time periods, other than  
11 those relating to the jurisdiction of the Committee, required  
12 for any actions of the Committee or others under this rule.

13 [Investigations,] The Committee shall maintain the  
14 confidentiality of all complaints and complaint-related  
15 proceedings and actions, except as provided in this rule. The  
16 Committee may disclose complaint data, including the number of  
17 complaints received and dispositions on complaints in the  
18 aggregate without identifying information regarding the  
19 complainant or the accused. The Committee shall maintain the  
20 confidentiality of all investigations, hearings and meetings of  
21 the Committee relating to an investigation and the existence of  
22 such investigations, hearings, and meetings shall not be open to  
23 the public [and shall be confidential]. A majority of the  
24 members of the Committee may vote to suspend the confidentiality  
25 provisions in this rule in whole or in part if information  
26 regarding a complaint or an investigation has been entered into  
27 the public domain by someone other than a member of the  
28 Committee and the Committee determines that it is in the best  
29 interest of the Committee to address public inquiry or  
30 information on the complaint or investigation. In this case, the

1 Committee may disclose whether a complaint has been filed, the  
2 disposition or status of action on the complaint and other  
3 information as the Committee may determine is appropriate under  
4 the circumstances. All other meetings of the Committee shall be  
5 open to the public. Any member of the Committee breaching the  
6 confidentiality provisions specified in this rule shall be  
7 removed immediately from the Committee and replaced by another  
8 Member in a like manner as his or her original appointment.

9 Meetings and hearings held related to the investigation of a  
10 complaint shall be in the nature of executive session and shall  
11 not be open to the public. All other meetings of the Committee  
12 shall be open to the public.

13 Notwithstanding the above, except for a hearing on complaints  
14 of a violation of Rule 2.1 E, the Committee shall conduct a  
15 hearing in public upon the written request of the subject unless  
16 the Committee determines that evidence or testimony to be  
17 received at the hearing may substantially defame, degrade, or  
18 incriminate a person other than the subject. In that event, the  
19 Committee shall receive such evidence or testimony in executive  
20 session. No evidence or testimony taken in executive session may  
21 be released to any person or authority or used in public  
22 sessions without the consent of the Committee.

23 The Committee may enter into a consent agreement with the  
24 subject at any point in the proceedings. The Committee may make  
25 an appropriate referral of a complaint to a law enforcement  
26 agency at any point in the proceedings.

27 The complaint, response and records of the Committee shall be  
28 confidential. Notwithstanding the foregoing:

29 (1) consent agreements and final findings by the  
30 Committee of unethical conduct and the Committee's

1 recommendations with respect to such findings shall not be  
2 confidential;

3 (1.1) consent agreements and final findings by the  
4 Committee of a violation of Rule 2.1 E shall not be  
5 confidential, except that at the request of a complainant,  
6 the name of the complainant and, unless the House considers a  
7 resolution to discipline the subject, any facts that may lead  
8 to the identification of the complainant, including the name  
9 of the subject, shall be redacted before an agreement or  
10 final findings of the Committee are made public;

11 (2) the subject may, in their discretion, make public a  
12 finding by the Committee that no unethical conduct or  
13 violation of Rule 2.1 E had occurred or that there was  
14 insufficient evidence presented to the Committee that  
15 unethical conduct or a violation of Rule 2.1 E had occurred,  
16 except that the subject shall not make public the name of a  
17 complainant who filed a complaint alleging a violation of  
18 Rule 2.1 E; and

19 (3) if the Committee makes a referral of a complaint to  
20 a law enforcement agency, the Committee may provide the  
21 agency with copies of documents and information in its  
22 possession.

23 Any Member of the Committee breaching the confidentiality  
24 provisions set forth in this rule as determined by a majority of  
25 the Members of the Committee shall be removed immediately from  
26 the Committee and replaced by another Member in a like manner as  
27 the Member's original appointment.

28 A nondisclosure agreement shall not be imposed on an  
29 individual as a condition of the initiation of the procedures  
30 available under this rule for the filing and hearing of a



1 complaint of a violation of Rule 2.1 E. Nothing in this  
2 paragraph shall be construed to prohibit the complainant and the  
3 subject from voluntarily entering into a settlement agreement  
4 with a nondisclosure provision agreed to by each party as part  
5 of the settlement of a complaint or proceeding. Notwithstanding  
6 the foregoing, a Member who is the subject of a complaint of a  
7 violation of Rule 2.1 E filed with the Committee shall not  
8 benefit from a nondisclosure agreement or provision if a  
9 completed formal investigation of the Committee finds that the  
10 complaint is credible or a final decision by the Committee finds  
11 a violation.

12 The Committee may meet with a committee of the Senate to hold  
13 investigations or hearings involving complaints against  
14 employees of the two chambers jointly or officers or employees  
15 of the Legislative Reference Bureau, the Joint State Government  
16 Commission, the Local Government Commission, the Legislative  
17 Budget and Finance Committee, the Legislative Data Processing  
18 Committee or other legislative service agencies. No action may  
19 be taken at a joint meeting unless it is approved by the  
20 Committee. A Member of the Committee who is the complainant, the  
21 subject or a witness to the unethical conduct or violation of  
22 Rule 2.1 E alleged in a complaint under this paragraph shall not  
23 participate in any joint proceedings under this paragraph. The  
24 Member shall be temporarily replaced on the Committee in a like  
25 manner as the Member's original appointment.