

**2019 -- H 5360**

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LC001247  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

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**H O U S E R E S O L U T I O N**

**AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS  
2019-2020**

Introduced By: Representative Lauren H. Carson

Date Introduced: February 08, 2019

Referred To: House Rules

1           RESOLVED, That Section 46 of the rules for the House of Representatives adopted by  
2 the House of Representatives at its January session, A.D. 2019, entitled "House Resolution  
3 Adopting the Rules of the House of Representatives for the Years 2019 and 2020" be and the  
4 same is hereby amended to read as follows:

5           Sexual Harassment and Discrimination Prohibited

6           (46)(a) The House of Representatives is committed to creating and maintaining a work  
7 environment in which all members and employees are treated with respect and are free from  
8 sexual harassment and discrimination.

9           The House fully supports the protection and safeguarding of the rights and opportunities  
10 of all people to seek, obtain and hold employment without being subjected to sexual harassment  
11 of any kind in the workplace. The House recognizes that sexual harassment has a serious  
12 detrimental effect on victims of sexually harassing behavior.

13           The House acknowledges that the question of whether a particular action or incident is of  
14 a purely personal or social nature, without a discriminatory employment effect, could require an  
15 extensive determination based on all facts in each case. The House further recognizes that false  
16 accusations of sexual harassment can have serious effects on innocent individuals.

17           (b) Sexual harassment is a violation of the state Civil Rights Act of 1990 (chapter 112 of  
18 title 41), the state Fair Employment Practices Act (chapter 5 of title 28), and Title VII of the Civil  
19 Rights Act of 1964. It is against the policy of the House for any member or employee of the

1 House of Representatives to sexually harass another person involved in the business of the House.  
2 Members of the House and its employees are expected to comply with applicable law and take  
3 appropriate measures to ensure that prohibited conduct does not occur.

4 (c) Any member of the House who believes that he or she has been the subject of sexual  
5 harassment while engaging in the business of the House should report the alleged act as soon as  
6 possible to the Office of Compliance.

7 (d) The Office of Compliance shall publish an official sexual harassment policy which  
8 shall include the responsibilities of the Office of Compliance, the rights and responsibilities of  
9 members of the House of Representatives and its employees, the procedure for the adjudication of  
10 complaints made pursuant to the policy, and any other provisions it shall deem appropriate.

11 (e) All reported complaints of sexual harassment shall be investigated by the Office of  
12 compliance in a timely and confidential manner. No person investigating on behalf of the Office  
13 of Compliance shall discuss the subject outside the investigation. The purpose of this provision is  
14 to protect the confidentiality of the person who files a complaint, to encourage the reporting of  
15 any incidents of sexual harassment and to protect the reputation of any person who may be  
16 wrongfully accused.

17 (f) If an investigation reveals that a complaint is valid, prompt action designed to  
18 immediately stop the harassment and to prevent its recurrence shall be taken. A recommendation  
19 shall be made to the Committee on Conduct pursuant to the policy published by the Office of  
20 Compliance. A closed session meeting shall be held, and all persons affected shall have been  
21 notified in advance in writing and advised that they may request that the discussion be held at an  
22 open session meeting. Failure to provide such notification shall render any action taken against  
23 the person or persons affected null and void. Before going into a closed session meeting, it shall  
24 be stated for the record that any persons to be discussed have been so notified and this statement  
25 shall be noted in the minutes of the session meeting. Discussions via electronic communication,  
26 including telephonic communication and telephone conferencing, shall be permitted only to  
27 schedule a session meeting. Provided, further however, that a member of the House of  
28 Representatives, the Office of Compliance, or the Committee of Conduct, who has a disability as  
29 defined under chapter 87 of title 42 and: (i) Cannot attend meetings solely by reason of their  
30 disability; and (ii) Cannot otherwise participate in the meeting without the use of electronic  
31 communication or telephone communication as reasonable accommodation, may participate by  
32 use of electronic communication or telephone communication. Any person who willfully disrupts  
33 a session meeting to the extent that orderly conduct of the session meeting is seriously  
34 compromised shall be removed.

1           (g) All votes taken in closed sessions shall be disclosed once the session is reopened;  
2 provided, however, a vote taken in a closed session need not be disclosed for the period of time  
3 during which its disclosure would impede an investigation.

4           ~~(g)~~(h) The form of any disciplinary action for a member of the House shall be in  
5 accordance with any confidential recommendation and findings of the Committee on Conduct and  
6 a two-thirds (2/3) vote of the House following a closed session meeting and shall include, but not  
7 be limited to, loss of leadership and/or committee chair position, reprimand, censure, or expulsion  
8 as permitted by the Article 6, Section 7 of the Rhode Island Constitution, or any other action  
9 deemed necessary.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
HOUSE RESOLUTION  
AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS  
2019-2020

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- 1 This resolution would propose an amendment to the house rules which would allow
- 2 closed session meetings with respect to all sexual harassment and discrimination complaints and
- 3 investigations to maintain the confidentiality of all complaints.

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