

HOUSE No. 4291

The Commonwealth of Massachusetts



House of Representatives, March 09, 2018.

**In the One Hundred and Ninetieth General Court
(2017-2018)**

1 *Ordered*, On motion of Mr. Galvin of Canton pursuant to House Rule 7C,
2 Ordered, That the Rules of the House of Representatives be amended by adding the following
3 rules:-
4 Professional Standards and Conduct
5 88. (a) Definitions. As used in Rules 88 to 99, inclusive, the following terms shall, unless the
6 context clearly requires otherwise, have the following meanings:-
7 “Authorized party”, a party authorized to receive a complaint of harassment or retaliation
8 pursuant to Rule 93.
9 “Counsel”, Legal Counsel to the House appointed pursuant to section 51 of chapter 3 of the
10 General Laws.

11 “Director”, the Director of Human Resources appointed pursuant to Rule 90.

12 “Discriminatory harassment”, verbal or physical conduct that:

13 (1) demeans, stereotypes, or shows hostility or aversion toward an individual or group because of
14 the individual’s race, color, religion, national origin, sex, ancestry, sexual orientation, age,
15 disability status, genetic information, gender identity, active military personnel status,
16 transgender status or membership in any other protected class and;

17 (2) (i) has the purpose or effect of creating an intimidating, hostile, humiliating or offensive
18 working environment;

19 (ii) has the purpose or effect of unreasonably interfering with a member, officer, intern or
20 employee’s work performance or official duties; or

21 (iii) otherwise adversely affects a member, officer, intern or employee’s employment
22 opportunities or ability to fulfill his or her official duties or conduct business before the House.

23 “EEO Officer”, the Equal Employment Opportunity Officer appointed pursuant to Rule 89.

24 “Harassment”, discriminatory harassment or sexual harassment engaged in by a member, officer,
25 intern or employee of the House or by a third party.

26 “Sexual harassment”, sexual advances, requests for sexual favors and verbal or physical conduct
27 of a sexual nature when:

28 (1) submission to or rejection of such advances, requests or conduct is made either explicitly or
29 implicitly a term or condition of employment or as a basis for employment decisions, or as a

30 term, condition or basis for the support of certain policy objectives, political aspirations or
31 business before the House; or

32 (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering
33 with a member, officer, intern or employee's work performance or official duties by creating an
34 intimidating, hostile, humiliating or sexually offensive work environment.

35 Under this definition, direct or implied requests for sexual favors in exchange for actual or
36 promised (i) employment benefits such as favorable reviews, salary increases, promotions,
37 increased benefits or continued employment or (ii) support for certain policy objectives, political
38 aspirations or business before the House, shall constitute sexual harassment.

39 The definition of sexual harassment is broad and may include other sexually oriented conduct,
40 whether or not it is intended to violate this Rule, that is unwelcome and has the effect of creating
41 a workplace environment that is hostile, offensive, intimidating or humiliating to a member,
42 officer, intern or employee of the same or different gender, or those who do not identify as
43 gender binary.

44 "Supervisor", a member, officer or employee having direct authority or oversight over one or
45 more employees.

46 "Third parties", any person visiting the House of Representatives, or conducting official business
47 or work with any member, officer or employee of the House.

48 (b) Policy. The House is committed to providing fair and equal opportunity for employment and
49 advancement to all employees and applicants.

50 It is our policy and practice to assign, promote and compensate employees on the basis of
51 qualifications, merit, and competence. Employment practices shall not be influenced nor
52 affected by virtue of an applicant's or employee's race, color, religion, national origin, sex,
53 ancestry, sexual orientation, age, disability status, genetic information, gender identity, active
54 military personnel status, transgender status or membership in any other protected class.

55 This policy governs all aspects of recruiting, hiring, training, on-the-job treatment, promotion,
56 transfer, discharge and all other terms and conditions of employment.

57 Without limiting the applicability of the foregoing, the House is committed to creating and
58 maintaining a work environment in which all members, officers, interns and employees of the
59 House, and all third parties, are treated with respect and free from any form of harassment,
60 including harassment based on an individual's membership in any protected class. To that end,
61 the House will not tolerate harassment of any kind by any member, officer, intern employee or
62 third party in the workplace or otherwise in connection with the official duties or employment
63 responsibilities of a member, officer, third party, intern or employee. Any individual who
64 believes that he or she may have been the object of harassment is strongly encouraged to report
65 that information to an authorized party.

66 The House shall promote the safety and respectful treatment of all members, officers, interns and
67 employees of the House, and all third parties, by establishing uniform procedures for making and
68 receiving complaints of harassment and initiating, conducting and concluding investigations into
69 complaints of harassment.

70 A violation of this policy will subject the member, officer, employee or intern to discipline
71 pursuant to Rule 95 and Rule 96.

- 72 (c) Examples. (1) Discriminatory harassment may include, but is not limited to, the following
73 conduct:
- 74 (i) epithets, slurs, insults or negative stereotyping related to the protected classes;
 - 75 (ii) acts or jokes that are hostile or demeaning with regard to the protected classes;
 - 76 (iii) threatening, intimidating or hostile acts that relate to the protected classes;
 - 77 (iv) displays of written or graphic material that demean, ridicule or show hostility toward an
78 individual or group because of membership in a protected class, including material circulated or
79 displayed in the workplace, including District Offices, such as on an employee's desk or
80 workspace, or on House equipment or bulletin boards, including but not limited to House-issued
81 computers, laptops and personal device assistants;
 - 82 (v) verbal or non-verbal innuendo, and micro-aggressions; and
 - 83 (vi) other conduct that falls within the definition of discriminatory harassment set forth above.
- 84 (2) Sexual harassment includes, but is not limited to, the following conduct:
- 85 (i) gender-based bullying, including bullying based on transgender or non-gender binary status;
 - 86 (ii) attempts to coerce an unwilling person into a sexual relationship;
 - 87 (iii) repeatedly subjecting a person to unwelcome sexual or romantic attention;
 - 88 (iv) punishing a person's refusal to comply with a request for sexual conduct; and
 - 89 (v) conditioning a benefit on submitting to sexual advances.

90 (3) Conduct that, if unwelcome, and depending upon the totality of the circumstances, including
91 the severity of the conduct and its pervasiveness, may constitute sexual harassment includes, but
92 is not limited to, the following:

- 93 (i) unwelcome sexual advances, flirtations or propositions, whether they involve physical
94 touching or not;
- 95 (ii) sexual “kidding,” epithets, jokes, written or oral references to sexual conduct;
- 96 (iii) gossip regarding one’s sex life;
- 97 (iv) comment on a person’s body or an individual’s sexual activity, deficiencies, or prowess;
- 98 (v) displaying sexually suggestive objects, pictures, posters or cartoons;
- 99 (vi) unwelcome leering or staring at a person;
- 100 (vii) sexual gestures and suggestive or insulting sounds, such as whistling or comments with
101 sexual content or meaning;
- 102 (viii) uninvited physical contact, such as touching, hugging, purposely brushing against the body,
103 patting or pinching;
- 104 (ix) indecent exposure;
- 105 (x) inquiries into one’s sexual experiences;
- 106 (xi) discussion of one’s sexual activities;
- 107 (xii) sexual emails; and

108 (xiii) sexting, or sexual messages or images posted on social media, for example, texts, instant
109 messages, Facebook posts, tweets, Snapchat, Instagram or blog entries.

110 (d) Retaliation. No member, officer or employee of the House shall retaliate, including against a
111 member, officer, intern, or employee of the House who has complained about harassment or
112 participated in an investigation into an allegation of harassment or retaliation. Any person who
113 believes that he or she may have been the subject of retaliation for having complained of
114 harassment or retaliation, or for having participated in an investigation related to an allegation of
115 harassment or retaliation, is strongly encouraged to report that information to an authorized
116 party.

117 89. Equal Employment Opportunity Officer

118 (a) The House shall employ a full-time Equal Employment Opportunity Officer. The committee
119 on Rules shall appoint a qualified person with expertise in harassment prevention, conduct of
120 investigations, and identifying barriers to equal employment opportunity to act as the EEO
121 Officer at such compensation as the committee on Rules shall approve.

122 The EEO Officer shall serve a term of two years from the date of appointment, unless the EEO
123 Officer sooner resigns, retires or is removed; provided, however, that the EEO Officer may only
124 be removed: (i) for misfeasance, malfeasance or nonfeasance, as determined by agreement of
125 Counsel and the Director, and approved by a majority vote of the committee on Rules; or (ii) by
126 a majority roll call vote of the House.

127 The EEO Officer may employ such assistants as may be necessary in the discharge of the EEO
128 Officer's duties, subject to the approval of the committee on Rules, and may expend with like
129 approval such sums as may be necessary for the discharge of their duties.

130 (b) The EEO Officer shall receive, review and investigate all complaints alleging a violation of
131 Rule 88, the House Anti-Harassment Policy, or the House Equal Employment Policy, including,
132 but not limited to complaints alleging harassment or retaliation. Complaints shall be received,
133 reviewed and investigated pursuant to Rules 93 to 96, inclusive.

134 The EEO Officer shall develop and implement written policies and procedures for receiving,
135 investigating resolving and maintaining records of complaints against members, officers, interns
136 or employees of the House, or against third parties, made in accordance with Rules 93 to 98,
137 inclusive.

138 (c) (1) The EEO Officer, in conjunction with the committee on Personnel and Administration
139 and the Director, shall provide for training of members. Members shall be required to complete
140 training within 30 days of being sworn in and annually thereafter. Training shall be in-person
141 and shall include, without limitation, instruction on: (i) House equal employment policies,
142 including the complaint and investigation process; (ii) workplace harassment specifically,
143 including techniques for bystander intervention and other best practices; (iii) prohibition on
144 retaliation; (iv) best management practices; (v) professionalism and respect; and (vi) practices for
145 monitoring the workplace for issues and identifying risk factors. Each member shall make a
146 signed, written acknowledgement of the member's completion of the training, which shall be
147 retained by the EEO Officer.

148 (2) The EEO Officer, in conjunction with the committee on Personnel and Administration and
149 the Director, shall provide for training for all appointed officers and employees. Appointed
150 officers and employees shall be required to complete training within 30 days of initial hire or
151 appointment and annually thereafter. Training shall be in person and shall include, without

152 limitation, instruction on (i) House equal employment policies, including the complaint and
153 investigation process; (ii) workplace harassment specifically, including techniques for bystander
154 intervention and other best practices; (iii) prohibition on retaliation; and (iv) professionalism and
155 respect.

156 Separate trainings shall be held for those appointed officers and employees who are supervisors
157 and those appointed officers and employees who are not supervisors. The content of the training
158 shall be tailored appropriately to the recipients. Supervisors shall be specifically trained on best
159 management practices.

160 Each appointed officer and employee shall make a signed, written acknowledgement of his or
161 her completion of the training, which shall be retained by the EEO Officer, who shall provide a
162 copy to the Director to be maintained in his or her personnel file.

163 (3) The EEO Officer shall provide for appropriate additional training to members, officers or
164 employees at any time that the EEO Officer deems necessary or appropriate, including upon the
165 request of a member, officer or employee.

166 (4) The EEO Officer, in conjunction with the Director, shall provide for training for interns
167 during the intern orientation process. The training shall include without limitation, instruction
168 on: (i) House equal employment policies, including the complaint and investigation process; (ii)
169 workplace harassment specifically, including techniques for bystander intervention and other
170 best practices; (iii) prohibition on retaliation; and (iv) professionalism and respect. Each intern
171 shall make a signed, written acknowledgement of the intern's completion of the training, which
172 shall be retained by the EEO Officer, who shall provide a copy to the Director to be maintained
173 in the Director's records.

174 (d) The EEO Officer shall develop practices and procedures for auditing House offices, including
175 random audits, to ensure the maintenance of best practices. Audits may include interviews and
176 in-office observation. All members, officers, interns and employees shall comply with a request
177 from the EEO Officer to conduct an audit.

178 90. Director of Human Resources

179 (a) The House shall employ a full-time Director of Human Resources. The committee on Rules
180 shall appoint a qualified person to act as the Director at such compensation as the committee on
181 Rules shall approve.

182 The Director shall serve a term of two years from the date of appointment, unless the Director
183 sooner resigns, retires or is removed; provided, however, that the Director may only be removed:

184 (i) for misfeasance, malfeasance or nonfeasance, as determined by agreement of the EEO Officer
185 and Counsel and approved by a majority vote of the committee on Rules; or (ii) by a majority
186 roll call vote of the House.

187 (b) The Director may employ such assistants as may be necessary in the discharge of the
188 Director's duties, subject to the approval of the committee on Rules, and may expend with like
189 approval such sums as may be necessary for the discharge of their duties.

190 (c) The Director shall develop and oversee standardized practices and procedures, which shall
191 apply to all applications for employment. The practices and procedures shall include, but shall
192 not be limited to: (i) a standard application for employment; (ii) mandatory background and
193 reference checks, the results of which shall be reported by the Director to the applicant's
194 prospective appointing authority; and (iii) a standard offer letter for each position within the
195 House.

196 (d) The Director shall develop and oversee standardized practices and procedures, which shall
197 apply to all employees and appointed officers of the House. These practices and procedures shall
198 include or address, without limitation: (i) regular meetings between the Director, the EEO
199 Officer and employees who are supervisors, including an initial meeting within 14 days of the
200 employee assuming such a role; (ii) guidelines for conducting employee performance reviews;
201 (iii) a program of progressive discipline; and (iv) separations from employment.

202 (e) The Director shall develop employee classifications, which shall include written job
203 descriptions, salary ranges and schedules. The classifications shall be published in the employee
204 and supervisor handbooks.

205 (f) The Director shall develop practices and procedures for receiving, investigating and
206 resolving personnel complaints unrelated to Rule 88, the House Anti-Harassment Policy, or the
207 House Equal Employment Policy.

208 (g) The Director shall annually publish: (i) an Employee Handbook; (ii) a Supervisor Handbook;
209 and (iii) an Intern Handbook. Each handbook shall be developed with the advice and approval of
210 the EEO Officer and Counsel, and shall be submitted to the committee on Personnel and
211 Administration for review and approval at least 14 days prior to publication.

212 The handbooks shall be available as follows:

213 (i) the Director shall post all three handbooks on the human resources web portal;

214 (ii) the Director shall email an electronic copy of the Employee Handbook to each employee
215 within 10 days of its publication and require that each employee sign a written acknowledgement
216 of receipt and return such acknowledgement to the Director within 5 days;

217 (iii) the Director shall email an electronic copy of the Employee Handbook to each new
218 employee within 5 days of the employee's start date and require that the employee sign a written
219 acknowledgement of receipt and return such acknowledgement to the Director within 5 days;

220 (iv) the Director shall email an electronic copy of the Supervisor Handbook to all supervisors
221 within 10 days of its publication and require that each supervisor sign a written
222 acknowledgement of receipt and return such acknowledgement to the Director within 5 days;

223 (v) the Director shall email an electronic copy of the Supervisor Handbook to all new supervisors
224 within 5 days of their assuming such a position or, in the case of a member, within 5 days of
225 being sworn into office, and require that the supervisor sign a written acknowledgement of
226 receipt and return such acknowledgement to the Director within 5 days;

227 (vi) the committee on Personnel and Administration shall provide an Intern Handbook to each
228 intern on the first day of his or her internship. Upon receipt of the Intern Handbook the intern
229 shall sign a written acknowledgement of receipt that day, which shall be maintained by the
230 committee, with a copy sent to the Director;

231 (vii) hard copies of each handbook shall be available in the offices of the Director, the EEO
232 Officer, Counsel and the Clerk;

233 (viii) the Director shall cause electronic copies of each handbook to be downloaded onto the
234 desktop of each House computer; and

235 (ix) in formats accessible to all members, officers and employees.

236 91. Human Resources Web Portal

237 The Director shall, in consultation with the EEO Officer, create and maintain an internal web
238 portal for members, officers and employees. The web portal shall provide relevant information
239 on human resource policies and procedures, including, without limitation, the Rules of the
240 House, each handbook published by the Director, explanations of complaint and investigation
241 procedures, contact information for the Director, the EEO Officer and Counsel, and training
242 schedules.

243 92. Director of Employee Engagement

244 (a) The House shall employ a full-time Director of Employee Engagement. The committee on
245 Personnel and Administration shall appoint a qualified person to act as the Director of Employee
246 Engagement at such compensation as the committee on Personnel and Administration shall
247 approve.

248 (b) The Director of Employee Engagement shall, in consultation with the Director of Human
249 Resources: (i) develop methods for enhancing the skills and professional development of
250 employees; and (ii) engage employees in roundtable discussions on issues of importance or
251 concern.

252 (c) The Director of Employee Engagement shall assist the committee on Personnel and
253 Administration with duties as may be assigned by the committee or the Director of Human
254 Resources.

255 93. Complaints

256 (a) (1) A member who believes that he or she has been the object of harassment or retaliation,
257 who witnesses harassment or retaliation, or who becomes aware of harassment or retaliation

258 may make a complaint, either orally or in writing with the EEO Officer, Counsel, or the Director.
259 Upon receipt of a complaint pursuant to this subsection, a recipient other than the EEO Officer
260 shall forthwith provide a detailed account of the complaint to the EEO Officer for assessment
261 pursuant to Rule 94.

262 (2) An appointed officer, employee or intern of the House who believes that he or she has been
263 the object of harassment or retaliation, who witnesses harassment or retaliation, or who becomes
264 aware of harassment or retaliation may make a complaint, either orally or in writing to any of the
265 officer's, employee's or intern's supervisors, the Director, the EEO Officer or Counsel. Upon
266 receipt of a complaint pursuant to this subsection, a recipient other than the EEO Officer shall
267 forthwith provide a detailed account of the complaint to the EEO Officer for assessment pursuant
268 to Rule 94.

269 (3) A third party who believes that he or she has been the object of harassment, or who witnesses
270 harassment or retaliation may make a complaint, either orally or in writing with the EEO Officer.
271 Upon receipt of a complaint pursuant to this subsection, the EEO Officer shall assess the
272 complaint pursuant to Rule 94.

273 (b) The EEO Officer shall provide guidance for authorized parties who may receive complaints
274 under subsection (a), both in the form of the training referenced in Rule 89 and otherwise. The
275 guidance shall instruct authorized parties on the proper way to receive complaints and to advise
276 complainants on issues including, but not limited to, confidentiality, prohibition on retaliation
277 and the availability of additional resources and avenues for action for the complainant, including
278 possible criminal action where appropriate.

279 (c) If a complaint, made pursuant to subsection (a), is against the EEO Officer or an employee
280 appointed by the EEO Officer, the recipient of the complaint shall notify Counsel, who shall, in
281 consultation with the Director, investigate the complaint pursuant to Rules 94 to 96, inclusive.

282 (d) If, based on the nature and circumstances of the complaint, the EEO Officer believes that he
283 or she cannot objectively assess or investigate a complaint made pursuant to subsection (a) the
284 EEO Officer shall refer the matter to Counsel who shall assume responsibility for the assessment
285 or investigation or refer the complaint to outside counsel for investigation. The EEO Officer
286 shall consult with Counsel to establish guidelines used to identify matters that should be referred
287 to Counsel or outside counsel pursuant to this subsection.

288 94. Investigations

289 (a)(1) All complaints alleging harassment or retaliation by or against a member, officer, intern or
290 employee of the House, or by or against a third party, received by any member, officer or
291 employee of the House, shall be immediately referred to the EEO Officer for assessment.

292 (2) Upon receiving a complaint alleging harassment or retaliation by or against a member, officer
293 or employee of the House, or by or against a third party, the EEO Officer shall promptly
294 undertake an assessment to determine whether the complaint is plausible and requires
295 investigation.

296 Upon a determination by the EEO Officer that a complaint is plausible and requires
297 investigation, the EEO Officer shall commence an investigation of the complaint.

298 Upon a determination by the EEO Officer that a complaint is not plausible and does not require
299 investigation, the EEO Officer shall submit a report to Counsel and the Director describing the

300 complaint and the EEO Officer's basis for determining that the complaint lacked plausibility and
301 did not require investigation. If either Counsel or the Director objects to the EEO Officer's
302 determination, the EEO Officer shall commence an investigation of the complaint.

303 (b) The EEO Officer shall assess complaints and conduct investigations pursuant to written
304 policies and procedures, which shall be established by the EEO Officer pursuant to Rule 98 and
305 published on the human resources web portal. The policies and procedures shall ensure that all
306 assessments, investigations and reports are confidential to the fullest extent practicable under the
307 circumstances and shall include, without limitation, the following: trauma-informed techniques;
308 mechanisms for investigating complaints made by witnesses or third parties; standards for
309 collecting and maintaining evidence; consideration of interim measures; and methods to tailor
310 each investigation to the specific needs of the complainant and particular circumstances of the
311 complaint.

312 (c) The EEO Officer shall complete investigations within 90 days; provided, that the EEO
313 Officer may extend the investigation in extraordinary circumstances. The EEO Officer shall
314 regularly, but no less frequently than every 2 weeks, update the complainant on the status of the
315 investigation.

316 (d) Upon the conclusion of an investigation, the EEO Officer shall prepare a report summarizing
317 the complaint, the EEO Officer's investigation, findings and recommendations, if any, for
318 disciplinary, remedial, or preventative action, or any combination thereof.

319 95. Discipline

320 (a) (1) If after completion of an investigation pursuant to Rule 94, the EEO Officer determines
321 that a member has violated Rule 88, the EEO Officer shall recommend disciplinary, remedial or

322 preventative action, or any combination thereof, as is appropriate and proportional under the
323 circumstances, subject to the limitations set forth in paragraphs (2) and (3).

324 (2) Where the EEO Officer's action recommended pursuant to paragraph (1) does not include
325 reprimand, censure, removal from position as a chair or other position of authority, or expulsion,
326 prior to imposing such action the EEO Officer shall notify the member of the action and provide
327 the member with a copy of the EEO Officer's report. The member may, within 10 days of
328 receiving notice, request in writing that the Speaker and Minority Leader appoint a special
329 committee pursuant to Rule 96 to review the findings and recommendations of the EEO Officer.
330 Upon receipt of said request, the Speaker and Minority Leader shall convene a special committee
331 pursuant to Rule 96.

332 If the member fails to request the appointment of a special committee pursuant to Rule 96 within
333 10 days, the EEO Officer shall implement the recommended action.

334 (3) If the action recommended pursuant to subsection (a) includes reprimand, censure, removal
335 from position as a chair or other position of authority, or expulsion, the EEO Officer shall
336 request that the Speaker and Minority Leader convene a special committee pursuant to Rule 96
337 to review the findings and recommendations of the EEO Officer. Upon receipt of said request
338 from the EEO Officer, the Speaker and Minority Leader shall appoint a special committee
339 pursuant to Rule 96.

340 (4) Upon the request for a special committee made by the EEO Officer or a member pursuant to
341 this subsection, the EEO Officer shall provide the Speaker and Minority Leader with a copy of
342 the EEO Officer's report.

343 (b) (1) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes that
344 an appointed officer, intern or employee has violated Rule 88, the EEO Officer shall notify the
345 appointing authority for the appointed officer, intern or employee and recommend and
346 implement remedial, preventative or disciplinary action, or any combination thereof, as is
347 appropriate and proportional under the circumstances, subject to the limitations set forth in
348 paragraph (2). Notwithstanding Rule 97, the appointing authority may inform any other
349 supervisors of the appointed officer, intern or employee of the remedial, preventative or
350 disciplinary action if the appointing authority believes that sharing such information is necessary
351 for maintaining proper supervision of the appointed officer, intern or employee.

352 (2) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes that an
353 appointed officer, intern or employee has violated Rule 88 and the EEO Officer's action
354 recommended pursuant to paragraph (1) includes termination of employment or internship, the
355 EEO Officer shall forward the recommendation, with all supporting documentation, to Counsel
356 for review and approval. Counsel shall have two business days to review the EEO Officer's
357 recommendation. If Counsel approves the recommendation, Counsel shall notify the EEO
358 Officer and the Director and the Director shall immediately terminate the individual's
359 employment or internship. If Counsel rejects the EEO Officer's recommendation, he shall notify
360 the EEO Officer and the Speaker and the Speaker shall determine the action to be implemented.

361 96. Special Committees on Professional Conduct

362 (a) Upon receipt of a request pursuant to Rule 95, the Speaker and Minority Leader shall
363 confidentially convene a Special Committee on Professional Conduct, which shall consist of 7
364 members, 5 of whom shall be appointed by the Speaker and 2 of whom shall be appointed by the

365 Minority Leader. To the extent practicable, membership on the special committee shall be
366 apportioned in a way that takes into account the nature of the complaint and the commitment of
367 the House to providing fair and equal opportunity in employment. The Speaker shall appoint a
368 member to serve as chair. No member who has declared his or her candidacy for any other local,
369 state or federal office shall be appointed to a special committee. Upon appointment of members
370 to the committee, the Speaker and Minority Leader shall notify the EEO Officer and the member
371 who is the subject of the complaint of the identity of the members appointed. The existence of
372 the committee and the identity of the members appointed to the committee shall otherwise
373 remain confidential.

374 (b) The EEO Officer shall provide the members of the special committee with all records
375 relevant to the investigation. The special committee shall review all records and may further
376 investigate, to the extent that is necessary to resolve the complaint. The special committee may
377 summon witnesses, administer oaths, take testimony and compel the production of books, papers,
378 documents and other evidence in connection with its review.

379 (c) In the case of a special committee convened under this section upon the request for a review
380 by a member pursuant to paragraph (2) of subsection (a) of Rule 95, the committee shall
381 determine whether the EEO Officer's intended action is proportional and appropriate under the
382 circumstances. If a majority of the committee so finds, it shall order that the action
383 recommended by EEO Officer be implemented, along with any additional disciplinary, remedial
384 or preventative action, or any combination thereof, the committee determines to be proportional
385 and appropriate under the circumstances, subject to the limitations set forth in subsection (d). If
386 a majority of the committee finds that the intended action was not proportional or appropriate
387 under the circumstances, it may make a new recommendation for disciplinary, remedial or

388 preventative action, or any combination thereof, subject to the limitations set forth in said
389 subsection (d). All determinations of the committee pursuant to this subsection shall be final.

390 (d) (1) If a majority of the committee finds that a member has violated Rule 88, it may take any
391 disciplinary, remedial or preventative action, or any combination thereof, as it determines to be
392 proportional and appropriate under the circumstances; provided, however, that if the committee
393 determines that reprimand, censure, removal from position as a chair or other position of
394 authority, or expulsion is proportional and appropriate under the circumstances, it shall file a
395 report with the Clerk recommending that the House vote to implement the disciplinary action.

396 (2) Upon the filing of a report pursuant to paragraph (1), the Clerk shall promptly: (i) make the
397 report available to all members electronically; (ii) cause the report to be posted on the website of
398 the General Court; and (iii) place the matter in first position in the Orders of the Day for the next
399 calendar day that the House is meeting; provided, however that no business shall be conducted
400 on that calendar day or any day thereafter until the question of acceptance or rejection of the
401 special committee's recommendation for discipline is decided by a majority of the members
402 voting and present by a recorded roll call vote. If a majority of the members vote to accept the
403 recommendation for discipline, the member shall be disciplined in the manner so recommended.
404 Unless a majority of the members vote to accept the report, the member shall not be disciplined.

405 (3) All findings and determinations of the committee, including instances where the special
406 committee does not file a report with the Clerk pursuant to paragraph (1), shall be reported to the
407 EEO Officer and shall be final. The EEO Officer shall maintain confidential records of such
408 findings and determinations, except that a report filed pursuant to paragraph (1) shall be public.

409 97. Confidentiality of Investigations

410 (a) Any information obtained by a member or employee in his or her official capacity and
411 relating to a complaint or investigation of harassment pursuant to Rules 93 to 96, inclusive, and
412 any records of such information shall be confidential to the fullest extent possible.

413 Confidentiality shall be specifically subject to subsections (b), (c), (d) and (e).

414 (b) (1) The EEO Officer, in reviewing a complaint and conducting an investigation, shall keep
415 the complaint confidential and shall not disclose the identity of the complainant or the person
416 against whom the complaint is made, or any other details of the complaint with any member or
417 employee; provided, however, that the EEO Officer may share information to the extent
418 necessary to interview witnesses or parties to the investigation or to consult with Counsel if the
419 EEO Officer determines that such consultation is required in connection with the investigation.

420 (2) In the case of a complaint against a staff person, the EEO Officer shall maintain
421 confidentiality throughout his or her investigation and implement all remedial actions and
422 discipline short of termination confidentially, without sharing the identity of the complainant or
423 the person against whom the complaint is made, or any other details of the complaint with any
424 member or employee; provided, however, that the EEO Officer may share information to the
425 extent necessary to implement any remedial actions or discipline or to consult with Counsel if
426 the EEO Officer determines that such consultation is required in connection with the
427 investigation. This paragraph shall not limit the EEO Officer's ability to transmit the resolution
428 of a complaint, including any discipline resulting therefrom, to the Director for inclusion in the
429 employee's personnel file.

430 (3) In the case of a complaint against a staff person, where the EEO Officer recommends
431 termination, the EEO Officer shall share information with Counsel for review. If Counsel and

432 the EEO Officer disagree as to whether termination is the appropriate discipline, confidentiality
433 shall only be expanded to the extent needed to inform the Office of the Speaker, and reach a
434 resolution.

435 (4) In the case of a complaint against a member, the EEO officer shall maintain confidentiality
436 throughout his or her investigation by: (i) not disclosing information to any member or employee
437 who is not a witness or party to the investigation, except to consult with Counsel if the EEO
438 Officer determines that such consultation is required in connection with the investigation; and
439 (ii) confidentially recommending all remedial actions short of reprimand, censure, removal from
440 position as a chair or other position of authority or expulsion of a member. This paragraph shall
441 not limit the EEO Officer's ability to: (i) share his or her report with the Office of the Speaker
442 and the Minority Leader upon the request for a special committee pursuant to Rule 95; and (ii)
443 share any records relevant to the investigation with the special committee convened pursuant to
444 Rule 96; provided, that when sharing his or her report with the Office of the Speaker and the
445 Minority Leader, the EEO Officer may use pseudonyms, redaction and other methods the EEO
446 Officer considers appropriate to address the needs of a complainant or the circumstances of a
447 complaint.

448 (c) (1) The establishment of a special committee pursuant to Rule 96 shall be completely
449 confidential, except that the Speaker and Minority Leader shall disclose the names of their
450 respective appointments to the EEO Officer. The EEO Officer shall maintain a confidential
451 record of the membership of each special committee that is convened.

452 (2) All proceedings of a special committee convened pursuant to Rule 96 shall be confidential
453 and members of the committee shall not share any information about the complaint and

454 investigation for which the committee was convened with any other member or employee,
455 including their own appointed staff; provided, however, that the committee may consult with
456 Counsel if the chair of the committee determines that such consultation is required in connection
457 with the investigation.

458 (3) A special committee convened pursuant to Rule 96 shall implement all actions short of
459 reprimand, censure, removal from position as a chair or other position of authority or expulsion
460 of a Member confidentially, except that the special committee shall submit a final report to the
461 EEO Officer and may consult with Counsel if the chair of the committee determines that such
462 consultation is required in connection with their recommended action. The committee's
463 recommendation, if any, for reprimand, censure, removal from position as a chair or other
464 position of authority, or expulsion of a member, shall be a public document.

465 (d) All authorized parties shall keep complaints confidential, except to share the complaint with
466 the EEO Officer.

467 (e) Nothing in this Rule shall limit the ability of the EEO Officer to share information with a
468 complainant, to the extent appropriate, in order to properly conclude the complaint or
469 investigation process.

470 98. Supplemental Policies, Procedures and Guidelines

471 The EEO Officer and the Director shall establish all policies, procedures and guidelines required
472 by Rules 88 to 97, inclusive, and may develop supplemental policies, procedures and guidelines
473 necessary to implement or enforce Rules 88 to 97, inclusive; provided, that no policy, procedure
474 or guideline shall take effect without the prior review and written approval of Counsel and the

475 committee on Personnel and Administration. Where appropriate, these policies, procedures and
476 guidelines shall be included in the handbooks.

477 The EEO Officer and the Director may consult with each other, Counsel, and the committee on
478 Personnel and Administration to carry out the requirements of Rules 88 to 97, inclusive.

479 99. Transition

480 Pending the appointment of an EEO Officer, a complaint alleging a violation of Rule 88 by a
481 member shall be referred directly to a Special Committee on Professional Conduct, which shall
482 conduct itself pursuant to Rule 96 except as modified by this Rule.

483 Pending the appointment of an EEO Officer and notwithstanding Rule 87 and utilizing sound
484 business practices, the chair of a Special Committee on Professional Conduct convened pursuant
485 to this Rule shall have the exclusive authority and discretion to retain outside legal and
486 consulting experts, as the chair may deem appropriate to assist the chair and the committee with
487 the investigation and evaluation of a complaint received by said committee.

488 Counsel shall, at the request of the chair, assist the chair and the Special Committee on
489 Professional Conduct with the investigation and evaluation of a complaint received by the
490 committee.