



SPONSOR: Sen. McBride & Sen. Henry & Sen. Poore &  
Sen. Simpson  
Sens. Bushweller, Ennis, Hansen, Marshall, McDowell,  
Sokola, Townsend, Walsh, Cloutier, Lavelle

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE RESOLUTION NO. 17

RELATING TO THE RULES OF THE DELAWARE STATE SENATE.

BE IT RESOLVED by the Senate of the 149<sup>th</sup> General Assembly that the Rules of the Senate be amended to add a new Rule 30 as follows:

RULE 30. ANTI-HARASSMENT POLICY AND TRAINING.

(a) Statement of Policy. The Senate is committed to providing a safe and respectful workplace that is free of sexual harassment and harassment based on any protected characteristics. Members of the Senate are expected to conduct themselves in a manner that is free of harassment and to discourage and report all harassment. Allegations of harassment involving a member of the Senate will be taken seriously, investigated in a timely and confidential manner, and addressed in accordance with this Rule. Retaliation against any member or employee of the General Assembly for reporting a violation of this anti-harassment policy will not be permitted.

(b) Definitions. As used in this rule:

(1) "Employee of the General Assembly" means any employee of the Senate, House of Representatives, Legislative Council, or the Controller General's Office. It includes full and part-time staff, per diem staff, fellows, and interns.

(2) "Harassment" is "sexual harassment" and "workplace harassment."

(3) "Protected characteristics" means age, race, sex, sexual orientation, gender, gender identity, national origin, disability, and religion.

(4) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where any of the following is true:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(5) "Workplace harassment" means unwelcome conduct that is based on a person's protected class in the form of treatment or behavior that, to a reasonable person, creates an intimidating, hostile or offensive work environment.

(c) Reporting procedures.

(1) Harassment by a member of the Senate should be reported to one of the following persons as soon as practicable:

a. The Chief of Staff for the Majority Caucus.

b. The Chief of Staff for the Minority Caucus.

c. The Secretary of the Senate.

(2) All complaints of harassment and the identities of the accused and the complainant will be kept confidential in accordance with these Rules. The victim of the alleged harassment may choose to proceed with an informal report or a formal complaint as set forth in this subsection.

(3) Informal reporting.

a. A person who believes that such person may have been subjected to harassment may simply want particular conduct to stop but may not wish to go through a formal complaint process. The informal reporting process is designed and intended to meet that need.

b. A member of the Senate or House, or any employee of the General Assembly who believes they have been subject to harassment by a member of the Senate, may report such behavior to any of the parties listed in paragraph (c)(1) of this section. The report may be made verbally or in writing and should include the following information:

1. The name of the complainant.

2. The name of the member or members of the Senate alleged to have engaged in harassment.

3. The names of all parties involved, including witnesses.

4. The date, time, and location of the alleged conduct. If the conduct occurred on electronic or social media, the platform for the conduct.

5. A detailed description of the alleged harassment.

6. A description of the potential remedy the member or employee desires.

c. Any person listed in subsection (c)(1) who receives an informal report of harassment shall take the following steps:

52 1. Notify the Leader of the caucus to which the member accused of harassment belongs unless the member  
53 accused of harassment is the Leader of a caucus.

54 2. Notify the President Pro Tempore that an informal report has been made unless the President Pro Tempore is the  
55 subject of the complaint.

56 d. The Leader of the caucus for which the member accused of harassment belongs shall take appropriate action to  
57 ensure that the reporting party has a safe and non-hostile work environment. If the member who is alleged to have engaged  
58 in harassment is a caucus Leader, the President Pro Tempore upon being notified, shall inform the Whip of that member's  
59 caucus. The Whip shall then take appropriate action to ensure the reporting party has a safe and non-hostile work  
60 environment.

61 e. The member accused of harassing behavior shall be informed by the Leader of the member's caucus that an  
62 informal harassment report has been received and shall be counseled by that Leader against any further harassing behavior  
63 and that retaliation is prohibited. If the member who is alleged to have engaged in harassment is a caucus Leader, the  
64 President Pro Tempore shall inform such member of the complaint and counsel such member to avoid any further harassing  
65 behavior and that retaliation is prohibited.

66 (4) Formal complaint.

67 a. Any member of the Senate or House, or employee of the General Assembly who believes they have been subject  
68 to harassment by a member of the Senate may, within one year of the date of harassment, initiate a formal complaint by  
69 submitting a complaint to any of the parties listed in subsection (c)(1) of this Rule. A formal complaint must be in writing  
70 and include all of the following:

71 1. The name of the complainant.

72 2. The name of the member or members of the Senate alleged to have engaged in harassment.

73 3. The names of all parties involved, including witnesses.

74 4. The date, time, and location of the alleged conduct. If the conduct occurred on electronic or social media, the  
75 platform for the conduct.

76 5. A detailed description of the alleged harassment.

77 6. A description of the potential remedy the member or employee desires.

78 b. The person listed in subsection (c)(1) who received the formal complaint shall notify the Leader of the caucus to  
79 which the member alleged to have engaged in harassment belongs unless the member accused of harassment is the Leader  
80 of the caucus. A copy of the complaint shall also be provided to the President Pro Tempore unless the President Pro  
81 Tempore is the subject of the complaint.

c. The Leader of the caucus for which the member accused of harassment belongs shall take appropriate action to ensure that the reporting party has a safe and non-hostile work environment. If the member who is alleged to have engaged in harassment is a caucus Leader, the President Pro Tempore upon being notified, shall inform the Whip of that member's caucus. The Whip shall then take appropriate action to ensure the reporting party has a safe and non-hostile work environment.

d. The member accused of harassment shall be informed by the Leader of the member's caucus that a formal complaint has been received and shall be counseled by that Leader against any further harassing behavior and that retaliation is prohibited. If the member who is alleged to have engaged in harassment is a caucus Leader, the President Pro Tempore shall inform such member of the complaint and counsel such member to avoid any further harassing behavior and that retaliation is prohibited.

e. The President Pro Tempore upon receipt of the complaint shall send a letter to the Chair of the Rules & Ethics Committee requesting an investigation into the complaint as soon as possible. If the President Pro Tempore is the person accused in the complaint, the Majority Leader for the majority party shall request an investigation of the complaint.

f. The Rules & Ethics Committee upon receipt of the request made pursuant to subsection (4)(e) shall convene as soon as possible. The Rules & Ethics Committee shall proceed under the Rules of the Delaware State Senate. The Rules & Ethics Committee may appoint an investigator to assist with the inquiry. The investigator may not be an employee or member of the General Assembly and must have experience conducting investigations of harassment. The Rules & Ethics Committee shall define the scope of the investigation conducted by the investigator.

g. All members and employees involved in an investigation shall cooperate with the investigation and keep information regarding the investigation confidential.

h. The member alleged to be involved in the harassment shall be notified that a formal complaint has been received and an investigation initiated.

i. Upon appointment, the investigator shall conduct an investigation and shall submit a report on findings of fact to the Rules & Ethics Committee within 60 calendar days of appointment.

j. If any member of the Rules & Ethics Committee is the complainant or the person alleged to have engaged in harassment, that member may not participate in any proceedings relating to the complaint and another member of the Senate shall be designated to act as a member of the Committee.

k. The Rules & Ethics Committee shall review the complaint, report of the investigator, and collect any further evidence. The Rules & Ethics Committee shall provide the complainant and the accused member with a copy of any investigator's report.

112 (d) Training on sexual harassment and workplace harassment is a mandatory requirement for new  
113 member orientation. Continuing anti-harassment training is required for all members at least once per this General  
114 Assembly.  
115 (e) Senate members, employees, and investigators will keep the details of any ongoing investigation  
116 confidential, including the identity of the complainant.

#### SYNOPSIS

This resolution adds a new Rule 30 to the Senate Rules relating to Anti-Harassment Policy and Training.

Author: Senator McBride