

Assembly Investigation Process and Terminology

- I. Reports of Sexual Harassment:** As the Assembly's *Policy Against Sexual Harassment* provides, the Rules Committee accepts reports of alleged sexual harassment orally or in writing. These reports may come from a victim or a witness, who are not required to request action against the accused.
- A. Documented:** Every report is documented in a "note to file" and placed in digital files available only to Assembly Human Resources and Rules Committee staff. This documentation is not compiled into a database or list of complaints.
 - B. Assessment:** Each report has a preliminary assessment, which may include factual inquiry and evaluation of the reported facts by Rules Committee staff and legislative counsel.
 - C. Decision:** The Chief Administrative Officer (CAO), in consultation with the Director of Human Resources, decides whether the alleged facts require a formal investigation.
 - D. All Reports Addressed:** Every report of sexual harassment is addressed, regardless whether the alleged facts require a formal investigation. Responsive actions may include corrective action, further discussion with the person who reported and/or with the accused. How each report is addressed is **documented in a note to file** and placed in Assembly Human Resources' digital files.
- II. Formal Complaint Investigation:** Once the CAO decides that the alleged facts require a formal investigation, the report becomes a "complaint." The CAO, in consultation with the Director of Human Resources, decides whether the investigation will be internal (Rules Committee staff) or external (outside counsel). The accused receives notice that a formal investigation has commenced and the CAO decides whether the accused will be put on administrative leave during the investigation. The CAO documents these decisions in a note to file.
- A. Fact Finder:** Regardless whether the investigation is internal or external, an independent fact finder is assigned to investigate the facts. The fact finder reviews the allegations, interviews the complainant and the accused, collects documents related to the allegations, and interviews witnesses with information on the matter. The complainant's identity is kept confidential to the extent that an effective investigation allows. Those who are interviewed are cautioned to maintain the confidentiality. The *Policy* provides 90 days for the fact finder to complete the investigation.
 - B. Written Report of Facts:** The fact finder submits a written report to the CAO, who reviews the report in concert with the Director of Human Resources and legislative counsel. As a practice, the CAO discusses the report with the Chair of the Rules Committee.
- III. Determination and Consequences:** The CAO determines, after consultation with legal counsel, whether a violation of the *Policy* has occurred.
- A. Staff:** The CAO imposes corrective action on the staff member who has violated the policy. The accused or the complainant may appeal the CAO's decision to the Chair and Vice-Chair of the Rules Committee. If the Chair and Vice-Chair both determine that the accused or the complainant has been denied a fair evaluation of the complaint, the Chair and Vice-Chair directs the CAO to take remedial action. Remedial action may include any form of discipline, sanctions or further investigation.
 - B. Members:** If the CAO concludes that the report from the fact finder confirms a violation of the *Policy* by an Assemblymember, the *Policy* requires the CAO to report to both the Chair and Vice-chair, who the *Policy* requires to consult with the Speaker and the Minority Leader. The Chair and Vice-Chair may bring the matter before the Rules Committee in closed session. The Rules Committee may decide on informal discipline, including, but not limited to, additional training or counseling about sexual harassment and/or a recommendation to the Speaker to change the member's budget, committee assignments, or leadership positions. The Rules Committee also may vote to present a resolution to the floor of the Assembly for the formal discipline of a member, which may include a reprimand, censure, or expulsion.