

ANTI-HARASSMENT POLICIES

Rule No. 20 of the Joint Standing Rules of the Senate and the Assembly adopted by the Legislature in Assembly Concurrent Resolution No. 1 of the 2023 Legislative Session (ACR 1) sets forth the anti-harassment policies applicable to Legislators, legislative employees, attaches, interns, and other paid or unpaid staff, lobbyists, vendors, contractors, customers, and any other visitors to the Legislature and any of its buildings or facilities. Under Rule No. 40 of the Joint Standing Rules, the anti-harassment policies remain in full force and effect during each legislative session and during the interim between legislative sessions.

The anti-harassment policies applicable to lobbyists prohibit sexual harassment and other unlawful harassment based on any other protected categories, whether intentional or unintentional. Protected categories include race, color, creed, religion, sex, sexual orientation, gender identity or expression, age, disability, and national origin or ancestry.

Generally, prohibited "harassment" is unwelcome, unwanted, or offensive conduct related to a person's membership in any of those protected categories. Prohibited "harassment" may include inappropriate verbal, visual, or physical conduct.

Joint Rule 20.5 outlines anti-harassment policies specifically for lobbyists, requiring them to exercise good judgment and refrain from engaging in conduct that is or could be perceived as prohibited harassment. The anti-harassment policies provide examples of conduct deemed to be inappropriate, including, but not limited to, unwanted sexual advances, invitations, or comments; derogatory posters, photography, or cartoons; and intimidation, threats, or demands to accept sexual advances or engage in sexual conduct in order to avoid any negative employment action or secure any beneficial employment action. Other examples of prohibited harassment include making racial or sexual slurs; joking about a person's sexual orientation, gender identity or expression, age, disability, race, national origin, ancestry, or religion; and addressing or referring to a person using demeaning, derogatory, or offensive terms or stereotypes relating to the person's sexual orientation, gender identity or expression, age, disability, race, national origin, ancestry, or religion.

The anti-harassment policies also prohibit retaliation against a person for bringing a complaint of harassment or for engaging in other "protected activity." Retaliation includes taking any adverse action against a person for making a complaint or assisting in an investigation or other proceeding relating to a complaint. Retaliation also includes taking any other action reasonably likely to dissuade any person from opposing conduct that may constitute harassment.

Lobbyists who experience, encounter, or witness conduct which they believe may constitute harassment or retaliation may file a complaint with the Speaker of the Assembly, the Majority Leader of the Senate, or the Director of the Legislative Counsel

Bureau (LCB), as appropriate under the circumstances. In addition, a hotline and an online reporting system are available for any person to file complaints, which may be made anonymously, alleging harassment or retaliation involving Legislators, legislative or LCB employees, attaches, interns, and other paid or unpaid staff, lobbyists, vendors, contractors, customers, and any other visitors to the Legislature and any of its buildings or facilities. To the fullest extent possible without breaching the confidentiality of any anonymous complaints, the person filing the complaint must include the details of the incident or incidents alleged, the names of the persons involved, and the names of any witnesses.

The online reporting system may be accessed through a tab located on the left-hand side of the home page of the website of the Nevada Legislature. The phone number for the hotline may be located by following the online reporting system to the external website. For convenience, that toll-free number is (833) 205-7555.

All complaints are reviewed and referred to the appropriate officers or investigators for further action or investigation as necessary to carry out and enforce the anti-harassment policies, which may include independent factual investigations by outside counsel or professional investigators when needed.

If a lobbyist is found to have engaged in prohibited harassment or retaliation, the anti-harassment policies require appropriate disciplinary or remedial action to be taken against the lobbyist, which may include, without limitation, having the person's registration as a lobbyist suspended.

As employers, the Senate, the Assembly, and the LCB also have anti-harassment policies involving their respective employees, which prohibit unlawful harassment or retaliation by or against such employees.

Finally, federal and state law prohibit unlawful harassment or retaliation in the workplace and provide for civil actions against managerial and supervisory officers and employees, which may include lobbyists, with the possibility of individual liability for damages, costs, attorney's fees, and other forms of relief.

JOINT RULES

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

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

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Joint Standing Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person

which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

6. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate; or

(d) The reporting system established pursuant to subsection 11.

→ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

7. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

8. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

10. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses to allow an appropriate inquiry to occur.

12. This policy does not create any private right of action or enforceable legal rights in any person.

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Joint Standing Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Joint Standing Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Director of the Legislative Counsel Bureau; or

(b) The reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

↪ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, or other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. The provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose. This policy does not create any private right of action or enforceable legal rights in any person.