

**Vermont House of Representatives
Sexual Harassment Prevention
Panel Rules of Procedure**

1. Contacting the Panel. Any person may contact a member of the House Sexual Harassment Prevention Panel (“Panel”) to report conduct that may violate the House Policy for the Prevention of Sexual Harassment (“Policy”) by a current member of the House of Representatives, the Clerk of the House or the Clerk’s staff, or the staff of the Speaker of the House.¹
 - A. When any Panel member is contacted about an incident or conduct, the Panel member must inform the other Panel members.
 - B. A person may inquire about an incident or conduct or Panel procedures without initiating a complaint. Depending on the nature of the inquiry, the Panel may be required to take immediate and appropriate action to prevent conduct that violates the Policy from continuing. In all instances the Panel shall create a brief record of its actions and the nature of the complaint at issue.
 - C. When the Panel receives an inquiry regarding an incident or conduct of a person subject to the Policy, the Chair shall request that Panel staff share any previous complaints, formal or informal, about the person’s conduct. This information shall not influence the determination whether the Policy was violated but may be considered in determining any appropriate resolution.
 - D. If the Panel is notified of an incident or conduct on the part of any employee, the Chair shall notify the Office of Legislative Human Resources.
2. Informal Complaint. A complainant may pursue resolution by informal complaint. Examples of informal resolution processes include a facilitated conversation between the parties; a discussion of the incident or conduct and of expectations for appropriate conduct with the respondent; and an agreement with the respondent regarding expectations for conduct.
 - A. If a complaint is resolved at this stage, the Chair shall inform the Speaker that a complaint was received and resolved but shall not provide further detail.
 - B. The Panel shall create a brief record of the complaint and resolution.
 - C. The Panel may determine in its discretion that due to the nature of the alleged incident or conduct, or because the complaint shows a pattern of conduct, that the complaint must be resolved by means of a formal complaint. The Panel may then stand in the place of the complainant to pursue the formal complaint as set out in these procedures.
3. Formal Complaint. A complainant may elect to pursue resolution by means of a formal complaint. A formal complaint shall be in writing and shall provide sufficient detail regarding the conduct in question.

¹ For members of the House of Representatives, conduct that occurs between the time of election and the time of swearing in is also subject to the Policy.

ADOPTED MAY 20, 2026

- A. Upon receiving a formal complaint, the Chair shall inform the Speaker that a formal complaint has been received but shall provide no further detail.
 - B. The Panel shall provide the complaint to the respondent. The respondent may file a response with the Panel within seven days after receipt. The Panel shall provide any response to the complainant.
 - C. At any point in the process set out in these procedures, the complainant may request an informal resolution pursuant to Section 2 of these procedures. The Panel shall facilitate this request when appropriate. In this case, the complaint will be stayed while an informal resolution is attempted.
4. Review of the Complaint. Upon receipt of a formal complaint and any response, the Panel shall review the complaint to determine whether the allegations contained in the complaint, if true, could violate the Policy.
- A. If the Panel determines that the complaint alleges a violation of the Policy, it shall contract with an investigator to investigate the conduct alleged as set out in Section 5 of these procedures.
 - B. If the Panel determines that the complaint does not allege a violation of the Policy, the Panel shall dismiss the complaint and notify the parties of the decision. The Chair shall inform the Speaker that the complaint has been dismissed but shall provide no further information.
 - C. The Panel may consider a pattern of conduct in deciding whether to proceed with an investigation pursuant to Section 5 of these procedures.
5. Investigation. An investigation shall be carried out by an outside investigator under contract with the Panel.
- A. The investigation shall be completed within 30 days unless unusual circumstances warrant an extension.
 - B. The investigator shall apply a preponderance of the evidence standard to all findings of fact.
 - C. The investigator shall provide all witnesses with a brief statement regarding the investigator's role, the fact that the witness's statement will be included in a report that is provided to the complainant and the respondent, a summary of the Policy's antiretaliation provisions, and a summary of the confidentiality provisions set out in Section 11 of these procedures.
 - D. The investigator's report shall include a summary of evidence considered, including witness interviews, appropriate credibility determinations, findings of fact, and a recommendation as to whether the respondent violated the Policy.
 - E. The Panel will provide the parties with copies of the investigator's report and any appendices promptly upon receipt.
6. Review of Investigatory Report and Subsequent Action. The Panel shall review the investigatory report and shall determine whether there are reasonable grounds to believe that the respondent violated the Policy. Based on this determination, the Panel shall choose one of the following options.

- A. *Dismiss the complaint.* If the Panel determines that there **are not** reasonable grounds to believe that the respondent violated the Policy, it shall dismiss the complaint and notify the parties that the complaint has been dismissed. The Chair shall notify the Speaker that the investigation is complete and that the complaint has been dismissed but shall provide no further detail.
- B. *Issue a reminder to the respondent of expectations of appropriate conduct and dismiss the complaint.* If the Panel determines that there **are not** reasonable grounds to believe that the Policy was violated, the Panel may issue a nondisciplinary memorandum to the respondent regarding the expectations set out in the Policy. This memorandum may serve to establish notice of expectations as related to any future complaint. The Panel shall inform the complainant that the respondent has been issued a memorandum regarding expectations for conduct and that the complaint has been dismissed. The Chair shall inform the Speaker that the investigation is complete and that the complaint has been dismissed but shall provide no further detail.
- C. *Issue a written warning and dismiss the complaint.* If the Panel finds that there **are** reasonable grounds to believe that the respondent violated the Policy, the Panel may choose to issue a written warning to the respondent that identifies any conduct that violated the Policy, sets expectations for future conduct, and reinforces the Policy's antiretaliation provisions. The Panel shall inform the complainant that the respondent has been issued a written warning. The Chair shall notify the Speaker that a warning has been issued but shall provide no further detail.
- D. *Enter into a stipulated agreement with the respondent.* If the Panel finds that there **are** reasonable grounds to believe that the respondent violated the Policy, it may enter into a stipulated agreement that imposes an alternative to discipline, which could include training, coaching, a no-contact agreement, and other provision(s). The Panel shall advise the complainant only that appropriate remedial action was taken unless the respondent agrees that the Panel may inform the complainant of the specifics of the stipulation. Upon successful completion of all terms and conditions, the complaint shall be dismissed. A respondent's failure to comply with a material term or condition of the stipulation, without just cause, may result in the revocation of the stipulation and further disciplinary action and may constitute an independent basis for discipline separate from the underlying complaint. The Chair shall notify the Speaker that the Panel has entered into a stipulation but shall provide no further detail.
- E. *Draft charges and set the matter for a hearing.* If the Panel finds that there **are** reasonable grounds to believe that the respondent violated the Policy, it may draft charges and set the matter for a hearing. The charges shall set out the procedural history of the case; the specific Policy violations that the respondent is alleged to have committed; any specific questions or issues that the Panel would like the respondent to address at the hearing or in the written submission; and the date, time, and location of the hearing. The Chair shall notify the Speaker that a hearing will be held, but not the identities of the

parties or the conduct at issue. The Panel shall inform the complainant that a hearing has been set.

7. Hearings. If the Panel chooses to draft charges and set a hearing pursuant to Section 6.E of these procedures, the Panel shall hold a hearing at which the respondent may present evidence and arguments.
 - A. The respondent may elect to waive the hearing and may elect to submit a written response in lieu of a hearing. If the respondent waives the hearing, the Panel shall decide whether the respondent violated the Policy on the basis of the evidence before them and proceed to a determination pursuant to Section 8 of these procedures. The respondent shall have five days following receipt of the charges to decide whether to waive a hearing and must submit any written submission in lieu of a hearing within ten days after receiving the charges.
 - B. The respondent may be represented by counsel at the hearing at the respondent's expense.
 - C. The Panel may ask questions of the respondent at this hearing.
 - D. The respondent may provide a written submission to the Panel at the time of the hearing.
8. Decision Following the Hearing or Waiver. Following the hearing or after the respondent waives the hearing, the Panel shall determine whether the respondent violated the Policy and, if so, shall determine the appropriate sanction.
 - A. If the Panel determines that the respondent did not violate the Policy, the Panel shall draft a brief statement explaining its decision. This statement shall be provided to the respondent and to the complainant. The case shall be closed but may be reopened upon receipt of a subsequent complaint against the respondent. The Chair shall notify the Speaker that the hearing was held and of the disposition but shall provide no further information.
 - B. If the Panel determines that the respondent violated the Policy by a preponderance of the evidence, it shall choose one of the following options:
 - i. The Panel may enter into a stipulated agreement with the respondent at this stage per Section 6.D of these procedures.
 - ii. If the respondent is a member of the House of Representatives, the Panel may recommend a sanction up to and including expulsion from the House of Representatives by means of a House Resolution.
 - iii. If the respondent is the Clerk of the House, the Panel shall recommend appropriate corrective action to the House Rules Committee.
 - iv. If the respondent is an employee of the Speaker or the Clerk of the House, the Panel shall recommend appropriate corrective action to the Speaker or the Clerk of the House as appropriate.
 - C. The Panel shall draft a decision setting out the procedural history of the case, the facts found by the Panel by clear and convincing evidence, the rationale for the determination that the respondent violated the Policy, the recommended corrective action, and an explanation of the respondent's right to request reconsideration as set out in Section 9 of these procedures. The Panel shall provide the decision to the respondent.

- D. If corrective action is to be recommended to the House, the House Rules Committee, the Speaker, or the Clerk of the House as set out in Section 8.B.ii–iv of these procedures, the Panel shall not take action on its decision until the period for requesting reconsideration has expired or until any such request has been decided.
 - E. Following a determination by the Panel that the respondent violated the Policy, the Panel shall inform the Speaker of the identity of the parties, the conduct at issue, the Panel’s decision, and the recommended corrective action. The Panel shall inform the complainant of the Panel’s decision and the recommended corrective action.
9. Request for Reconsideration. The respondent may request reconsideration of a finding that the respondent violated the Policy or the propriety of the sanction.
- A. Within five days after receiving the decision set out in Section 8.C of these procedures, the respondent may submit a request for reconsideration to the Chair setting out the reasons that the respondent believes the Panel’s decision that the Policy was violated was incorrect or that the recommended corrective action is unjustified. The acceptable bases for requesting reconsideration are as follows, and must be set out in any such submission:
 - i. The existence of material evidence not available at the time of hearing or at the time the hearing was waived.
 - ii. A procedural error that unfairly and materially affected the outcome of the case.
 - iii. A clear abuse of discretion by the Panel.
 - B. The request for reconsideration shall be decided by the Panel within five days after receipt. The Panel shall issue a brief written decision to the respondent.
 - C. If the request for reconsideration is granted, the Panel shall meet to reconsider its decision and shall take remedial action.
 - D. If the request for reconsideration is granted, the Panel shall inform the complainant that a request for reconsideration was granted and that the process is ongoing.
10. Records. All records generated by or provided to the Panel are not subject to the Public Records Act, 1 V.S.A. §§ 315–320.
11. Confidentiality. The Panel and Panel staff shall keep all records and information pertaining to all inquiries, complaints, and processes confidential with the following exceptions:
- A. The Panel may alert law enforcement or other authority if required for the safety of any party or witness.
 - B. The Panel and Panel staff may consult with the Clerk of the House as needed for procedural advice.
 - C. The investigator engaged by the Panel may interview witnesses and collect evidence, as needed.

ADOPTED MAY 20, 2026

- D. Panel staff may consult with attorneys in the Office of Legislative Counsel and staff of the Office of Legislative Human Resources with the consent of the Panel.
 - E. The Panel may disclose information and records to the members and staff of the House Ethics Panel, the House Discrimination Prevention Panel, and the Senate Sexual Harassment Prevention Panel if necessary to inform a Panel investigation, provided that the receiving Panel and Panel staff agree to maintain the confidentiality of the information or records provided.
 - F. The Chair, in consultation with the Speaker, shall issue a public statement that shall include the nature of the complaint, the identity of the respondent, and a summary of the basis for the Panel's determination and for the corrective action after the imposition of the below corrective actions:
 - i. If the respondent is a member of the House of Representatives, removal from a committee or committee leadership, censure, or expulsion from the House.
 - ii. If the respondent is the Clerk of the House, censure or removal.
12. Extensions of Time. Time periods may be extended for good cause shown.
13. Special Procedures. When the interest of justice so requires, a majority of the Panel members may vote to adopt any special procedures, not inconsistent with this Procedure, deemed necessary to resolve a particular matter before it. The Panel shall provide notice to the parties of the adoption of any special procedures.