

Legislative Workplace Culture Survey Questions

Question	Will the Executive Committee alone make the final decision on what recommendations will be accepted? What is the process?
Answer	It is our understanding that the General Assembly is convening a special committee to examine the recommendations over the summer. ILG is not involved in the implementation process.

Question	What can be done administratively and what will require a statutory change?
Answer	We are not part of the implementation process. On page 78 of our report we discuss the possibility that the Colorado Open Records Act may need to be revised in order to implement some of our recommendations related to confidentiality. There may be other aspects of implementation that will require statutory action, but we are not part of that process.

Question	Does the General Assembly have to vote on whether to fund implementation next session in 2019 or would JBC take this up during the interim?
Answer	Please see our previous two responses. We are not part of the implementation process so do not know the answer to this question.

Question	What role would any proposed interim committee have in deciding on findings and recommendations?
Answer	This appears to be a question that the General Assembly is confronting and will determine in the creation of the summer committee. For information about the various roles of participants in our recommend formal resolution process and respectful workplace policy, see pages 97-110 (formal resolution process) and the policy itself beginning on page 121 of our report.

Question	Regarding "unlawful harassment" (specifically complaints made against Legislators). There have been comments that as long as a Legislator does not commit a crime then they have nothing to worry about. This implies that there is a gap in interpretation of the workplace harassment policy as it applies to Legislators but also a question as to if and when discipline is applied without any supporting criminal conviction, which is most disturbing.
Answer	It appears that this is asking a question about the current policy. To the extent that this question relates to our recommended changes to that policy, we have recommended that the General Assembly set the expectations for behavior greater than simply avoiding unlawful harassment. We have also recommended that the procedures for addressing serious misbehavior like sexual or discriminatory harassment be clarified and made more robust. These concepts are emphasized and referred to throughout our report. We specifically refer you to pages 91-110, as well as the policy itself (including the preamble), which starts on page 121 of the Report.

Question	Regarding the policy for the accused In the current policy, "Nothing...requires any person accused of workplace harassment to involuntarily provide, either orally or in writing, any facts,
----------	---

	information, or evidence in response to an investigation of a complaint." Thus, the current policy makes it very difficult to complete an investigation and gives the accused control over the entire process whereby along with denying allegations, the accused can denigrate the credibility of the investigation claiming their side of the story was never told. Where was this addressed in the recommendations?
Answer	We recommend that participation in the formal resolution process (which would be used to address serious misbehavior) be mandatory for all parties. Please see page 146 of our Report. We have also recommended rights and responsibilities for both parties during an investigation process, which speaks to the issues in your question. Please see page 148 of our Report.

Question	How many from each different group were sent the survey -- for example employees, lobbyists and student interns-- and what percentage of each group responded and participated?
Answer	See page 167 of our Report for a listing of stakeholder groups, numbers invited to the survey and the response rates. Also see page 170, which provides more information.

Question	You state on page 41 that you employed "statistical testing" to determine whether the 528 participants were balanced "demographically." Was demographic balance the only balance you examined? What about occupational balance? Can you confirm that the survey participants were indeed a representative sample of the 1,267 workers sent the survey in terms of all employees and workers -- partisan vs. non-partisan staff, volunteers, etc.?
Answer	Yes, we also focused on occupational diversity. We refer you to pages 39-62 and Sections 2 and 3 of our Report, which discuss the stakeholder (occupation) groups we included in our survey and interview pools. We likewise refer you to page 167 which shows the response rates of the various groups.

Question	If there were significant differences between the 1267 individuals surveyed and the 528 participants, what were they? Did the 739 non-participants differ in a significant way from the 528 participants?
Answer	See our answers to the above questions.

Question	Even assuming the 739 non-participants were demographically and occupationally similar to the 528 survey participants, there could still be statistically significant differences in their experiences, attitudes, and opinions that influenced their decision to NOT participate in the survey. Did you conduct any sampling of the 739 <u>non-respondents</u> to determine whether their experiences and viewpoints were fairly represented by the 528 participants?
Answer	For the reasons outlined above and in our Report, we are confident that the survey data (corroborated by the interview data) is representative. We took analytic steps to assure ourselves that our findings were statistically reliable.

Question	If not, is it fair or statistically accurate to generalize the responses of the 528 participants as representative of the experiences and viewpoints of the entire capitol workforce?
Answer	In Section 2 of the Report we break down responses by various questions and stakeholder groups. In our Report, we identified the different experiences that people reported having in the Legislative Workplace. With reference to the statistical accuracy of our data, we refer you to our answers above.

Question	Is the General Assembly going to implement the recommendations made by the Report?
Answer	We recommend that it does, and we are encouraged by the statements of support and commitment we have received from leadership.

Question	What concrete steps are going to be taken to ensure a safe workplace here at the Capitol?
Answer	We have recommended a number of concrete steps in our Report. It is our understanding that the General Assembly is working on implementation presently and plans to continue working over the summer.

Question	What was ILG's process in addressing the workplace culture crisis and how/why did they decide to conduct it in the way that they did?
Answer	We tailored our process to provide the specific data and analysis that the General Assembly requested of us in its RFP. Our reasoning for our process and our methodology is discussed in detail in our report. In summary, we used a wide variety of methods to go about meeting the objectives of the RFP. These included research, an expert summit, surveys and interview data. Our goal in using these methods was to conduct as comprehensive a review of the culture, policies and procedures as possible given the time and resources available.

Question	There were comments that raised observations about confidentiality and politicization concerns under the present policy.
Answer	We specifically address confidentiality and politicization of complaints in our Report, and have made a number of recommendations to address these concerns. Please see our recommended policy, at Section 1, as well as the discussion relating to our recommended formal resolution process, at pages 97-110.

Question	Are there ways in which legislators and staffers can “feel heard” when they have been accused of lesser wrong-doings, particularly as it relates to retaliation?
Answer	We recommend that the General Assembly treat retaliation as serious misconduct, which would be handled in the formal resolution process. This process has rights and responsibilities for both parties, which includes the right to be heard in terms of defending one’s conduct. See page 148 of our report. In terms of the informal process, which we recommend for less serious situations than unlawful harassment or retaliation, the process is a flexible one that would include the opportunity to discuss one’s own perspective on the issue with the EEO Officer. See our Report starting on page 91.

Question	Do the recommended policies address racist behavior and singling out people of color?
Answer	They do. The policy recommendations apply to discriminatory harassment, which would include race-based harassment. We discuss some of our findings with respect to concerns about race-based harassment (and recommendations on training regarding the same) at pages 47 and 89 of our Report as well. You can see where this subject is treated in our recommended policy at page 125 of our Report (“Discriminatory Harassment Prohibited”).

Question	Do the recommended policies address retaliation and threats made against a lawmaker?
Answer	Yes. Any member of the legislative workplace who believes they are being retaliated against for exercising their right to raise a complaint under our recommended process could bring forward a complaint of retaliation. As noted above, we recommend that retaliation complaints be handled as serious misconduct, in the formal resolution process.