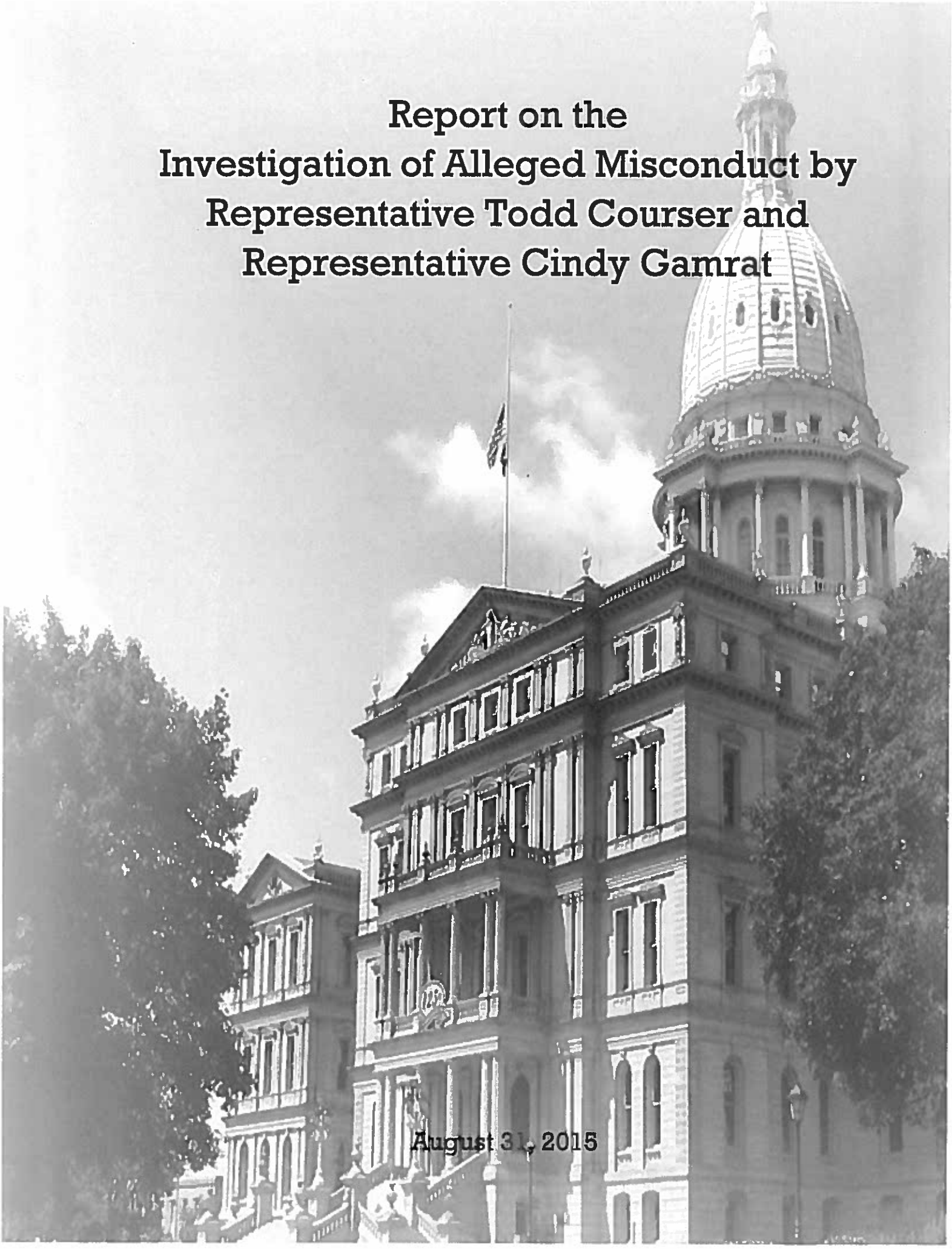
Report on the Investigation of Alleged Misconduct by Representative Todd Courser and Representative Cindy Gamrat



August 31, 2015

MICHIGAN HOUSE OF REPRESENTATIVES
BUSINESS OFFICE
P.O. Box 30014 / Lansing, MI 48909-7514 / 517-373-6339

August 31, 2015

Speaker Kevin Cotter
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48933

Dear Speaker Cotter:

It is with the upmost humility and deepest respect for the Michigan House of Representatives that I present this report as requested in your directive to my office on Friday, August 7, 2015. Per that directive, my office was charged to conduct an independent and thorough examination of allegations made against Representative Todd Courser and Representative Cindy Gamrat relative to alleged misconduct in office and abuse of that office while serving as State Representative.

Over the past three and one/half weeks, with the assistance of various individuals from within the Michigan House of Representatives, I have come to ascertain that enough material information is present to warrant further investigation by the Michigan House of Representatives. This report includes summary and detailed information supporting that finding.

If you, other Members of the House or other persons so engaged by the Michigan House of Representatives have any questions regarding this report or its findings, I am available at your request.

Respectfully,

Tim L. Bowlin
Chief Financial Officer and Business Director
Michigan House of Representatives

Investigation Directive and Scope

Hours after the Detroit News released a story about alleged misconduct by Representative Todd Courser and Representative Cindy Gamrat, the House Business Office was directed by the Speaker of the House, Kevin Cotter, to conduct an unbiased, thorough, and independent investigation into the allegations. The allegations and related story outlined that Representative Todd Courser and Representative Cindy Gamrat inappropriately used their staff and state resources to conceal various personal and political improprieties.

The Business Office defined the scope of the investigation to examine three primary areas:

1. Whether any misconduct in office occurred by Representative Todd Courser and/or Representative Cindy Gamrat,

2. Whether any misuse of state resources occurred in the offices of Representative Todd Courser and/or Representative Gamrat,

3. Whether Mr. Ben Graham or Mr. Keith Allard were wrongfully discharged from the offices of Representative Courser and Representative Gamrat respectively.

Report Findings

Immediately upon being tasked with the investigation, House Business Office personnel began to secure physical and electronic property which may have evidentiary relevance to the allegations. The Business Office defined the scope of the investigation, specified the persons to be interviewed, compiled the documents to be reviewed and framed the methodology to be used throughout. After two and one/half weeks of review, dialog, examination and re-examination, the investigation focus became better defined and clarified; allowing this report to be drafted.

In a very confusing and convoluted issue before the Michigan House of Representatives, a few items became clear and easy to report. First and foremost, all parties relevant to this investigation reported that they were properly and adequately orientated to House policies and procedures. Further, all parties were/are well aware of State law, House rules and House policies as they relate to the use of State resources.

Second, the Business Office provided deliberate and clear information relative to the use of state resources during orientation programs for both House Members and House staff and provided additional training to staff relative to House policies and procedure. Further, it is clear that the House Business Office followed all necessary and appropriate protocols in handling the terminations of both Ben Graham and Keith Allard. The Business Office had no knowledge of work-related issues concerning the employees prior to their termination; a fact acknowledged by both employees after their termination and during their investigation testimonies. Additionally, the Business Office had no knowledge of misuse of state resources by anyone in Representative Courser's office or Representative Gamrat's office prior to the Detroit News article of August 7, 2015.

Third, Speaker Kevin Cotter had no knowledge of work-related issues concerning Ben Graham or Keith Allard prior to their termination. Further, Speaker Cotter had no knowledge of misuse of state resources by anyone in Representative Courser's office or Representative Gamrat's office prior to the Detroit News article of August 7, 2015.

Fourth, both Representative Todd Courser and Representative Cindy Gamrat misrepresented themselves on several occasions during their testimony to the Business Office. This misrepresentation is made clear in the testimony of both Keith Allard and Ben Graham, as well as the audio recordings substantiating that testimony. Both Representative Courser and Representative Gamrat misused their office, their office staff, and other state resources to cover-up an affair between the two legislators. Both Representative Courser and Representative Gamrat misused their offices, their office staff, and other state resources for their own political advantage. Testimony of Keith Allard, Ben Graham and Joshua Cline document the misuse as defined in MCLA 169.257,

House Rule 74 and various House policies and procedures (see Appendix: Items 1, 2, 3 and 4).

Fifth, both Keith Allard and Ben Graham worked under very difficult and contrary conditions, often being directed to perform legislative, political and personal tasks for both Representative Courser and Representative Gamrat during their employment with the House. On several occasions the employees reached out to the Speaker's Chief of Staff, Norm Saari, to discuss issues related to various problems within the Representative Courser/Representative Gamrat combined office operation. In one or more of those meetings, the employees requested that the Chief of Staff not speak about these issues with either Representative Courser or Representative Gamrat. While the Chief of Staff may not have been given specific information or evidence (e.g., the audio recordings were not made available until the current investigation began), to substantiate the employees' concerns, there was reason in hindsight for the House to further inquire into the validity or depth of their claims.

Sixth, there is insufficient evidence to support a claim of wrongful termination of either Keith Allard or Ben Graham. The employees' at-will terminations were handled by the Business Office through procedures consistent with other terminations within the Michigan House. Claims of a hostile work environment or violation of Michigan's doctrine of at-will employment were not demonstrated by evidence provided during this investigation.

The confusing and unresolved issue remaining in this investigation is the relevance of the "burner phone: 313.421.5345", the "blackmail texts" and the person(s) sending them. It is the feeling of this Office that this issue has very little relevance to this investigation and the issue of abuse of office by House Members, abuse of state resources by House Members and/or the termination of Ben Graham and Keith Allard. It appears as if the texts did not come from within the Michigan House of Representatives or come from an employee of the Michigan House of Representatives. It also appears that the texts were a diversion from the issues outlined herein. The texts and the idea of what the sender may know about the Members occupied many discussions of Representative Courser and Representative Gamrat, both in the audio tapes heard in this investigation and in direct discussion the Members had with the Business Office during the investigation. Throughout this investigation, Representative Courser and Representative Gamrat both failed to appreciate that the "blackmail" allegations have no bearing on whether they engaged in misconduct or misused state resources.

Recommendations

In red type are the findings and recommendations made by the House Business Office as they pertain to the scope of its investigation:

1. Representative Todd Courser and Representative Cindy Gamrat are not credible witnesses. The statements of both Representatives differ in material respect to those of other persons interviewed, including Ben Graham, Keith Allard, and Josh Cline.

   The audio and documentary evidence were the most reliable evidence reviewed as part of the investigation and that evidence largely corroborates the versions of events told by the former employees.

2. Representative Courser and Representative Gamrat committed **misconduct in office** that warrants further investigation and review by the Select Committee formed in H.R. 129.

   a. The evidence demonstrates numerous instances of deceptive, deceitful, and outright dishonest conduct by both Representatives. For example:

      i. Representatives Courser and Gamrat engaged in a long-standing extra-marital affair with each other. There is no indication that either of their spouses acquiesced to this affair.

         - While the affair itself was primarily a personal, not official, matter, the Representatives abused their offices in attempting to cover it up.

      ii. Representative Courser purposefully caused, and asked Mr. Graham to send, an outlandish email full of lies against him from an anonymous source to various individuals in an attempt to cover up, conceal, or diminish the impact of the affair that he was having with Representative Gamrat. Though Representative Courser requested that the email be sent from a non-state account, and off state time, the subject matter of the email was patently false. There is audio and testimonial evidence indicating Representative Gamrat's knowing involvement in the plan to send the email.

         - While likely not illegal in-and-of itself, the very sending of the email showed a callous lack of respect and candor to his fellow Representatives, constituents, and the public at-large.
         - Notwithstanding the longstanding personal relationship between Representative Courser and Mr. Graham, and notwithstanding that the false allegations were to be made against Representative Courser himself, Representative Courser's request of a State employee to send a false communication from an unidentified source in order to provide cover for personal misconduct is unethical and an abuse of

the office of State Representative. Moreover, it was only Mr. Graham's refusal that prevented a state-funded resource from being employed in this part of the Representatives' attempted cover up.

iii. Representative Gamrat unconditionally stated in her interview that she did not know about the false email before it had been sent. She also stated at her August 14th press conference that she "did not author nor assist in sending the email in question" and was "unaware that this email was sent and also the content until a reporter pointed it out to me." However, this statement is refuted by both audio recordings and staff testimony.

- Such dishonesty, particularly in statements made to the public and as part of an official investigation, constitutes conduct that is unbecoming of a state legislator.

iv. There is testimonial and physical evidence that Representatives Courser and Gamrat forced their staff to forge their signatures on three bill "bluebacks" for introduction, namely House Bills 4174, 4317, and 4318. According to their staff, this was done in an attempt to quickly subvert the efforts of other Representatives to introduce similar legislation.

- Such deceptive conduct is in direct violation of House Rule 41 and threatens the public trust in government and elected officials. Moreover, such disregard for even the most basic of House Rules, in light of the totality of evidence gathered in this report, is indicative of a larger pattern of disrespect for the rule of law and this institution.

b. The evidence demonstrates a <u>lack of respect for constituents</u> on the part of both Representatives, which undermines the legitimacy of their status as Representatives and calls into question their ability to effectively represent their districts. For example:

i. An audio recording of a meeting on the evening of May 19th provides that Representative Courser referred to his constituents as a "herd" that needed to be "inoculated" through deceit. These terms were used several times. The false public statements made by Representative Gamrat at her August 14th press conference suggest a similar lack of respect for her primary audience: her constituency.

- While their affair itself may have been a personal matter, the decisions of both members to subsequently deceive their constituencies in an effort to "inoculate the herd" and remain in their positions of power may have caused irreparable harm to their ability to serve their electorates. Effective representation requires trust, and trust requires truth.

ii. There is testimonial and documentary evidence that both Representatives had an office policy of entering constituent contact information that they obtained in their official capacities into privately

funded "NationBuilder" software, which appears to have been used for political purposes.

- If used for political purposes, then this conduct would be in violation of House Rule 74(4), as well as a breach of the trust placed in them by their constituents, who presumably did not provide the information for non-official (e.g., political) use.

iii. An audio recording from May 21st covers a conversation between both Representatives and Ben Graham on state property during office hours. During this conversation, which lasted over one hour, both Representatives required Ben Graham to discuss their attempt to deceitfully hide their affair from the public. Despite several attempts by Mr. Graham to transition the conversation into official business, such as analyzing legislation, the Representatives refused to move off topic. In doing so, and despite Mr. Graham's urging, Representative Courser missed an official meeting of the Military & Veterans Affairs Committee. Moreover, as the period covered in the recording preceded a legislative session, this is time that should have been spent preparing for session, as Mr. Graham pointed out.

- Such misuse of public resources for personal purposes, especially that resulting in the dereliction of legislative duties, demonstrates a lack of respect by both Representatives for taxpayers and, by extension, their constituencies. Moreover, such misuse violates House Rule 74.

c. The evidence demonstrates that both members, in combining office staff and operations, improperly and inextricably entwined political, personal, business, and official state matters. The use of state resources for non-official matters is an <u>abuse of the office of State Representative</u>. For example:

i. Testimonial evidence indicates that staff were required to help facilitate Representative Courser and Representative Gamrat's affair, including by lying about the members' whereabouts when together.

ii. There is testimonial and documentary evidence that both Representatives made clear to their employees that their job descriptions included tasks that were exclusively political in nature (e.g., inputting information into "NationBuilder" software) and that their employment was contingent on furthering the Representatives' political endeavors.

iii. There is testimonial and documentary evidence that staff members were instructed on several occasions to assist in the development and/or placement of internet-based advertisements for Representative Courser's law firm.

3. Representative Courser and Representative Gamrat **misused state resources** to an extent that warrants further investigation and review by the Select Committee formed in H.R. 129.

a. Section 57 of the Campaign Finance Act (MCLA 169.257) prohibits a public official or employee from using or authorizing the use of funds, personnel, office space, computer hardware or software, property, stationary, postage, equipment, supplies or other public resources to make a contribution or expenditure.

b. The Campaign Finance Act's restrictions are also reflected in the Principles and Guidelines for House staff, which provide that: 1) House resources (time on the job, office space, office property) must be used only for official House business; 2) Examples of official House business include working on and communicating about bills, analyses, and other legislative-related matters, views on public policy, production or dissemination of factual information concerning legislative matters, and responding to constituent concerns; and 3) The use of House resources for non-official House business –e.g., campaign, fundraising, commercial, charitable, or personal activities –is strictly prohibited.

c. House Rule 74(4) provides that a Member shall not convert for personal, business and/or campaign use, unrelated to House business, any supplies, services, facilities, or staff provided by the State of Michigan.

d. The evidence demonstrates that both Representatives <u>improperly used state resources for political purposes</u>. For example:

   i. There is testimonial and documentary evidence that staff were required to use the software, NationBuilder, to enter constituent information and build a political database for both Representative Courser's potential candidacy for the 10th Congressional District as well as Representative Gamrat's campaign for Republican National Committeewoman.

   ii. There are several instances supported by documentary evidence where Representative Courser instructs his staff to prioritize political tasks over legislative issues during normal operating business hours of the House.

   iii. There is documentary evidence that staff conducted political business on state time. Staff edited political press releases and facilitated the purchase of database information for Representatives Courser and Gamrat during House business hours without taking any leave time off their timecards.

e. The evidence demonstrates that both Representatives <u>improperly used state resources for personal purposes</u>. For example:

i. There is testimonial and audio evidence that Representative Courser and Representative Gamrat required their staff to meet during normal working hours to discuss their affair in spite of numerous requests by the staff to end the meeting and return to work.

ii. There is testimonial evidence that Representative Courser and Representative Gamrat requested and required House staff to aid in the cover-up of their affair. Although staff did not ultimately take part in sending the "false email," they were required to lie about the Representatives' whereabouts, including to family, to facilitate the secrecy of their romantic meetings.

f. The evidence demonstrates that Representative Courser improperly used state resources for business purposes. For example:

i. There is testimonial and documentary evidence that staff members were instructed on several occasions to assist in the development and/or placement of internet-based advertisements for Representative Courser's law firm during normal operating hours of the House. It is only staff refusal that prevented some of this work from taking place at the expense of the House.

ii. There is testimonial and documentary evidence that suggests Representative Courser had staff that worked part-time at his law firm conduct tasks for the firm while being paid by the House and without taking any leave time off their timecards.

4. The evidence is insufficient to conclude that Ben Graham or Keith Allard were wrongfully terminated from the offices of Representative Courser and Representative Gamrat or that they were subjected to a hostile work environment.

a. The evidence demonstrates that Representatives Courser and Gamrat ran a highly dysfunctional combined office. They provided inconsistent and contradictory instruction to their staff, and Representative Courser repeatedly berated their staff in an unprofessional manner. The Representatives demanded that their staff know all of the intricacies of legislative work while refusing to learn themselves even the most basic of legislative tasks. In one instance, Representative Courser even stated to his staff, "I DO NOT KNOW THE AMENDMENT PROCESS NOR SHOULD I HAVE TO."

b. Under Michigan law, an at-will employee can be terminated for any or no reason, with few exceptions. For example, an at-will employee cannot be discharged based on his or her membership in a protected class (e.g., race, sex, or religion) or if he or she can satisfy the elements of a whistleblower's claim. Moreover, the at-will employment doctrine does not apply if an employee is terminated for a reason that is contrary to State public policy.

c. The evidence does not demonstrate that the terminations of Mr. Graham and Mr. Allard meet the exceptionally high bar of violating state public policy or that they fall under the protections of whistleblower laws. There is, however, documentary evidence that Representatives Courser and Gamrat were unsatisfied with the work performance of Mr. Graham and Mr. Allard as far back as January 2015, which corroborates the reasons offered for terminating Mr. Graham and Mr. Allard.

d. To be actionable, a hostile work environment claim must consist of harassment based on the employee's membership in a protected class (e.g., race, sex, or religion). Nothing in the evidence suggests that Mr. Graham or Mr. Allard's membership in a protected class was a negative factor in their professional relationship with Representatives Courser and Gamrat. Moreover, it does not appear that the Representatives' misconduct was directed at any protected class.

APPENDIX

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.257 Contributions, expenditures, or volunteer personal services; prohibitions; civil action; violation as misdemeanor; penalty.

Sec. 57. (1) A public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a). The prohibition under this subsection includes, but is not limited to, using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to, or make an expenditure for, a committee. Advance payment or reimbursement to a public body does not cure a use of public resources otherwise prohibited by this subsection. This subsection does not apply to any of the following:

(a) The expression of views by an elected or appointed public official who has policy making responsibilities.

(b) The production or dissemination of factual information concerning issues relevant to the function of the public body.

(c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.

(d) The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.

(e) The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event.

(f) An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

(2) If the secretary of state has dismissed a complaint filed under section 15(5) alleging that a public body or person acting for a public body used or authorized the use of public resources to establish or administer a payroll deduction plan to collect or deliver a contribution to, or make an expenditure for, a committee in violation of this section, or if the secretary of state enters into a conciliation agreement under section 15(10) that does not prevent a public body or a person acting for a public body to use or authorize the use of public resources to establish or administer a payroll deduction plan to collect or deliver a contribution to, or make an expenditure for, a committee in violation of this section, the following apply:

(a) The complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action against the public body or person acting for the public body to seek declaratory, injunctive, mandamus, or other equitable relief and to recover losses that a public body suffers from the violation of this section.

(b) If the complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred prevails in an action initiated under this subsection, a court shall award the complainant or any other person necessary expenses, costs, and reasonable attorney fees.

(c) Any amount awarded or equitable relief granted by a court under this subsection may be awarded or granted against the public body or an individual acting for the public body, or both, that violates this section, as determined by the court.

(d) A complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action under this subsection in any county in which venue is proper. Process issued by a court in which an action is filed under this subsection may be served anywhere in this state.

(3) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by 1 of the following, whichever is greater:

(a) A fine of not more than $20,000.00.

(b) A fine equal to the amount of the improper contribution or expenditure.

History: Add. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997,—Am. 2001, Act 250, Eff. Mar. 22, 2002 ;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012.

Compiler's note: Section 2 of Act 264 of 1995 provides:

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"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

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House Resolution No. 1 - Adopted January 14, 2015

STANDING RULES OF THE HOUSE OF REPRESENTATIVES IN ACCORDANCE WITH THE MICHIGAN CONSTITUTION ARTICLE IV, SECTION 16
(Part)

CHAPTER VII

Personal Privilege and Conduct.

Rule 74. (1) Matters involving personal privilege are limited and include only the following:

(a) Anything tending to subject a Member to ridicule or contempt;

(b) Charges in news media accounts relating to a Member in his or her representative capacity only;

(c) News media accounts attributing to a Member's remarks he or she has not made;

(d) Accusation by another Member in debate of intentional misrepresentation;

(e) Assault on a Member for words spoken in debate; and

(f) Arrest of a Member except for treason, felony or breach of the peace.

(2) A Member shall not use his or her position in any manner to solicit or obtain anything of value for himself or herself, House employees or any other Member which tends to influence the manner in which the Member performs his or her official duties.

(3) Sexual harassment of Members or House employees is prohibited and will not be tolerated by the House.

(4) A Member shall not convert for personal, business and/or campaign use, unrelated to House business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes, but is not limited to, telephones, telecopy machines, computers, postage, and copy machines.

(5) A Member shall not solicit or accept any type of campaign contribution in any House facility or building.

PRINCIPLES AND GUIDELINES FOR HOUSE STAFF

CONTACT INFORMATION

House Business Director	Tim Bowlin	3.6339
General Counsel, Republican Legal Advisor	Brock A. Swartzle	3.5916
Democratic Legal Advisor	Patti Tremblay-Pluta	3.5894

I. GENERAL MATTERS

- Office hours are 9am-5pm, M-F.
- Someone must cover your main office phone line during these office hours. If everyone will be out of the office, contact your respective caucus to provide phone coverage.
- Before you may engage in any outside employment—political or non-political—you must notify Human Resources for approval by the Speaker.

II. USE OF STATE RESOURCES

A. HOUSE RESOURCES—USE ONLY FOR OFFICIAL HOUSE BUSINESS

- House resources—e.g., your time on the job, office space, office property, equipment, and supplies—must be used only for official House business.
- Examples of "official House business" include: (1) working on and communicating about bills, analyses, and other legislative-related matters; (2) your Member's expression of his or her views about public policy; (3) the production or dissemination of factual information concerning legislative-related matters; and (4) responding to constituent concerns, to name just a few.
- The use of House resources for non-official House business—e.g., campaign, fundraising, commercial, charitable, or personal activities—is strictly prohibited.
- Files created on a state computer can be identified as such, even if the file is later emailed to an off-site email account and saved to a new computer. Metadata will capture the history of the file.
- Remember—computers, wi-fi access, and other office equipment and supplies are supplied to you at taxpayer expense. Hulu, ESPN, Pinterest, MichiganRivals.com, and the like will rarely, if ever, qualify as official House business.

B. MASS COMMUNICATIONS

- Every communication from the House intended for mass distribution to the public must be reviewed by the House Business Office ("HBO") prior to distribution.

- This applies to newsletters, emails, robo-calls, mailings, and every other form of mass communication. For social media communications (e.g., Facebook postings), see § II.D below.

- The Republican Print Coordinator is Cristie Jones (3.9084). The Democratic Print Coordinators are Liz Kranz (3.5778) and Eric Lockwood (3.5342).

C. CAMPAIGN CONTRIBUTIONS

- State law strictly prohibits soliciting or accepting any type of campaign contribution in any House or other state building or facility.

- A "contribution" is defined broadly under the Michigan Campaign Finance Act: (1) the transfer to a person of (2) anything of ascertainable monetary value (3) made for the purpose of (4) either (a) influencing the nomination or election of a candidate, (b) for the qualification, passage, or defeat of a ballot question, or (c) for the qualification of a new political party.

- If your office receives a contribution in your office mail, return the contribution within 30 business days. You may write a short letter explaining the matter, but, in the body of that letter, you cannot tell the contributor to redirect the contribution to a particular candidate.

- The following *are not* contributions: (1) volunteer personal services provided without compensation; (2) payments of costs less than $500 in a calendar year for travel expenses if the costs are voluntarily incurred; and (3) food and beverages not exceeding $100 in any calendar year.

- You may volunteer your time for campaign or fundraising purposes during normal office hours. You must do so, however, on your own personal time and you must record your hours off on your time sheet.

- Do not send any fundraising emails from your House account.

- If you invite a Member to a fundraiser, do not send the invitation by House email.

- You may hand-deliver an invitation to a Member's House office, but only if: (1) you do not use state resources to create the invitation; (2) your time delivering the

invitation is done off the clock (e.g., during lunch or before or after work); and (3) the invitation is clearly identified as "complimentary".

- A question that often arises is what a Member can and cannot communicate with respect to a ballot question. Once a question has been approved for the ballot, communications about its passage or defeat fall under the category of campaign activity. If a Member uses non-House resources, the Member may advocate for the question's passage or defeat, just like any other election-related matter. If a Member uses House resources, however, the Member is restricted on what he or she can communicate. A Member cannot use House resources, for example, to send a mass email to constituents advocating the passage or defeat of the ballot question.

    - There are two exceptions to this general rule: First, purely informational communications are exempted. The House Business Director, working with the General Counsel and Minority Legal Counsel, will draft language that can be used in a mass mailer, and your office will typically receive this information 6-8 weeks before the election. Second, a Member has the right to express views on matters of public import. The *occasional, incidental* use of House resources to communicate with a constituent or the media on a ballot question falls within this exception.

D. SOCIAL MEDIA

- The legal framework governing the use of social media for official government activities is an unsettled, evolving area. Because of the potential "mixed-use" nature of social media—where posts could range from reasons why a Member voted for HB4001 to why the hiring of Coach Harbaugh was pure genius to pictures of a Member's baby granddaughter walking—your office must be vigilant to ensure that the use of such media conforms with the law and House policy.

- Under the policy, Members and staff may use House resources to *create* a social media page or site—the two most popular being Facebook and Twitter—*but only* if that page or site will be used solely for legislative work (e.g., work involving bills, resolutions, or constituent communications). A page or site used for both legislative work and non-legislative matters (a "mixed-use" page or site) cannot be created, nor maintained, using House resources.

- Members and staff may access, use or reference a social media page or site, including a mixed-use one, using House resources, *but only* under the following circumstances: (1) the access and use must be strictly related to legislative work, and (2) the access and use must comply with the House's Printing Guidelines, including the use of the following disclaimer, "The Michigan House of Representatives is responsible only for content submitted with House resources

and in accordance with the law and House policy. Unauthorized use is strictly prohibited." The disclaimer should appear prominently on a Member's social media page or site.

- A note of caution: One particular area of concern is the use of social media for campaign finance. When using House resources, you should always err on the side of caution to keep your Member's work as a legislator using House resources separate from your Member's work as a candidate raising campaign funds.

- As noted above, the law on social-media use continues to evolve. Further updates to the policy will be made when appropriate. If you have a question about whether a particular use of social media is appropriate, you are encouraged to contact the General Counsel and HBO.

III. LOBBYING AND OUTSIDE GIFTS

- Lobbying is a protected activity under the First Amendment, though it can be, and is, highly regulated by law. Under Michigan law, lobbying means communicating directly with an official in the legislative or executive branch for the purpose of influencing legislative or administrative action. Members acting within the scope of their office are exempt from the lobbying registration and recordkeeping requirements, as are House staff when communicating with Members and other matters.

- Prohibited gifts: Members and staff cannot solicit or accept any outside "gift" which would tend to influence their official actions.

- A "gift" is a payment, advance, forbearance, or the rendering or deposit of money, services, or anything of ascertainable value. There are several exceptions, however, including: (a) food or beverage intended for immediate consumption; (b) a gift received from a family member; (c) a reported campaign contribution; (d) a loan made in the normal course by a financial institution; (e) certain contributions to a legal defense fund; and (f) certain travel and lodging expenses (e.g., to and from a conference where the Member is giving a speech about a legislative matter). Other than a campaign contribution, these exceptions do not have express dollar limits, though good judgment must, of course, be used in these circumstances.

- The restriction on "gifts" is also subject to a *de minimis* threshold: The total value of goods and services (excepting (a)-(f), which do not count as "gifts") that exceed $58/month is what qualifies as "gifts". In other words, goods and services received from a lobbyist in a particular month that are collectively worth $58 or less are considered *de minimis* and are exempt from the definition of "gifts". If an outside gift is received which marginally exceeds the $58 limit, the lobbyist should be compensated an amount equal to the difference between the value of the gift and

$58. As an example, if a concert ticket with a face value of $70 is given as a gift by a lobbyist, the lobbyist should be compensated $12 (=$70-$58). A gift that materially exceeds the *de minimis* threshold cannot be accepted.

- These are the baseline standards with respect to gifts set by Michigan law and House policy. Your Member may have a policy that his or her staff cannot accept any gift from a lobbyist, that staff can accept only a gift of nominal value, or that staff must comply with some stricter standard. You are encouraged to talk with your Member about his or her policy if you have any questions.

IV. FREEDOM OF INFORMATION ACT OR LEGAL SUBPOENA

- If you receive a Freedom of Information Act ("FOIA") request or legal subpoena, forward the original to the House Business Director with a copy to the General Counsel. Do not respond yourself.

V. OPEN MEETINGS ACT

- The House is subject to Michigan's Open Meetings Act.

- In general, all decisions and deliberations by a public body (including committees) must be made at meetings open to the public. There are, however, several important distinctions and exceptions.

- If you have a question about whether a particular meeting involving your Member will fall under the OMA, contact the General Counsel or raise your concern with your policy advisor.

VI. COMMUNICATIONS

A. ELECTRONIC COMMUNICATIONS IN GENERAL

- ***You do not*** have a reasonable expectation of privacy with regard to ***any*** communication involving House equipment. ***This cannot be stressed enough.***

- Treat each and every communication to and from your state equipment as if it will eventually be read by the public. Even if you believe that there is a low likelihood of an email or IM being read by someone other than the intended recipient, that likelihood will never be zero, especially in today's world of politics-by-lawsuit.

- The more irreverent the message, the worse it will likely look in MIRS or Gongwer.

B. INTERNAL COMMUNICATIONS

- Privileged/Confidential Communications. If you receive an email or other written communication that says "Privileged/Confidential" or otherwise is clearly intended to be a privileged communication from legal counsel, do not forward the message to anyone. If you do, it is possible that you will have breached the privilege that otherwise protects attorney-client communications. This most likely will occur in connection with a lawsuit.

- Caucus Communications. Caucus communications, discussions, actions, and whip counts must remain confidential. Policy analyses from the respective caucuses are similarly confidential communications intended solely for the internal use of caucus Members and staff.

- Mass Communications. Unless sending notices is part of your regular duties, check with your Member before sending a mass communication to the rest of the House, your caucus, or other groups.

- Communications to Another Member. Before sending an email directly to another Member, talk to your Member about his or her communication policies and preferences. For example, an email attempting to persuade a Member to vote a certain way should almost always be sent Member-to-Member.

- Co-Sponsorship Memorandum. Before circulating a co-sponsorship memorandum or similar message, you are encouraged to reach out to Communications. They can provide expertise on when to send a memorandum, when not to send one, and how to draft an effective message. Remember that these memoranda often become public documents.

C. Personnel Matters

- All House employees are at-will and serve at the pleasure of the Speaker. Harassment based on a person's religion, race, color, national origin, age, sex, height, weight, familial status, marital status, or other legally protected characteristic is strictly prohibited.

- Any instance of harassment, suspected harassment, or retaliation should be reported to the Majority Chief of Staff, General Counsel, or one of the other persons identified in House Policy HUM 1.04.

CONCLUDING POINTS

- As a state employee, you are a steward of taxpayer funds and have a heightened duty to safeguard public resources from misuse for political purposes.
- Campaigning for office is wholly distinct from serving in office. Do not mix the two.
- Treat every communication—e.g., email, text, IM, Facebook posting, letter—as if a Member, the Speaker, General Counsel, a judge, or the public will see it.
- This is a supplement to the new-employee training that you received when you started your employment with the House. If you have a question, consult the "Policies and Guidelines" on Housenet or talk to your Member, House Business Director, or General Counsel.

HOUSE of REPRESENTATIVES
STATE OF MICHIGAN

Guidelines and Policies

General
Revised: June 1, 2004

INTRODUCTION
GEN 01.01

I. These guidelines & policies are intended to provide Representatives, supervisors and employees of the House of Representatives and House Fiscal Agency basic information about policies and practices. They supersede any and all prior oral and/or written communications about any aspect of House employment and operations. These guidelines and policies cover many aspects of employment and operations and are necessarily general in nature.

II. All employees of the House of Representatives and House Fiscal Agency serve as non-tenured, at-will employees. This manual should not be construed to alter the fact that all employees are non-tenured, at-will employees.

III. The House of Representatives reserves the right to alter, amend, modify, change or terminate any program, policy, provision, rule or regulation set forth in these guidelines and policies at any time, with or without notice to House employees.

IV. Questions regarding policies not specifically addressed in this manual or regarding interpretation should be directed to the Business Office (3-6339) for attention and/or resolution.

V. Reference to the "House" or the "House of Representatives" includes the House Fiscal Agency unless specifically noted.

Financial Operations
Revised: May 26, 2015

OFFICE ALLOTMENT
FIN 02.01

I. There are specific guidelines pertaining to the expenditure of allotment account funds and the maximum amount that can be expended by a Representative. The manner in which the aggregate amount can be expended (salaries, bulk mailings, daily postage, publications, telephones, etc.) is the responsibility of each Representative, within the specified dollar limitations.

ALL EXPENSES TO BE PAID THROUGH THE ALLOTMENT PROGRAM MUST BE RELATED TO LEGISLATIVE BUSINESS AND MUST BE PROCESSED THROUGH FINANCIAL OPERATIONS. EXPENSES THAT ARE IN ANY WAY RELATED TO A MEMBER'S DISTRICT OFFICE WILL NOT BE APPROVED TO BE CHARGED TO AN ALLOTMENT ACCOUNT. A PROPERLY AUTHORIZED FINANCIAL OPERATIONS REQUEST FORM IS TO BE SUBMITTED TO FINANCIAL OPERATIONS FOR PRIOR APPROVAL BEFORE ANY PURCHASES OR SERVICES WILL BE AUTHORIZED FOR PAYMENT.

IF FOR ANY REASON A MEMBER OR EMPLOYEE LEAVES THE HOUSE OF REPRESENTATIVES, ALL ITEMS HOLDING VALUE PURCHASED THROUGH THE HOUSE ALLOTMENT PROGRAM WILL REMAIN THE PROPERTY OF THE HOUSE.

II. A Member's Allotment Account will be encumbered to ensure that there is enough money to cover the routine operations of their legislative office for the calendar year. No amount remaining in a Member's allotment account at the end of an allotment year can be carried forward to the next year.

III. **PLEASE NOTE:** Representatives have the responsibility for utilizing these funds specific to their legislative needs within the approved guidelines. The responsibility of carefully budgeting those dollars throughout the year also rests with their offices. Representatives' offices have continuous access to their allotment accounts via the allotment program, which can be accessed by selecting Office Allotment on HouseNet. It is suggested that this information be carefully and frequently reviewed. Any questions regarding the office allotment account program can be directed to Financial Operations (3-7678).

Further, all financial transactions are subject to review by the media and public as outlined in the House Guidelines and Policies Section (BUS 02.01), Access to Information Policy (Financial) and House Rules.

IV. **OFFICE ALLOTMENT ACCOUNTS**

A. The Representative's and Central Staffs' Allotment Account is provided to allow offices to budget for their staff salaries and office expenses for the

Lansing office only. It is the responsibility of the Representatives and Central Staff Directors to monitor the use and balance of their allotment account.

B. Items which may be charged to the allotment account include the following: staff salaries (within guidelines, see HUM 02.01, HUM 02.06), postage, mailing company charges, miscellaneous postal charges, publications and periodicals, registration fees (non-tuition related), in-district mileage expenses, travel expenses, all office telephone charges, mobile phone usage charges, authorized office supplies, framing, printing, mailing labels/lists and photocopying.

V. **PUBLICATIONS/SUBSCRIPTIONS** - Any publication/subscription requested by a Representative or Director must be relevant to legislative issues and includes such items as: books; manuals; reference materials; directories; magazines; and newspapers (including those picked on the 9th floor of the House Office Building). Only one copy of a publication or subscription is allowed to be purchased through the Member's Allotment Account.

A. Publications must be ordered through the Financial Operations Office. A properly authorized Request Form giving all available and pertinent information including the cost; an advertisement or completed order form; phone number; address, etc., must be submitted.

B. **Subscriptions and publications received through the mail must be addressed to the Member's Lansing Office. Under no circumstances will subscriptions be paid for by the House and mailed to an address other than the House. Subscriptions should be ordered for a time period that does not exceed the Member's term of office whenever possible.**

C. All offices will only be able to add or delete newspaper subscriptions picked up at the Capitol concession stand or the 9th floor of the House Office Building on a quarterly basis (January 1; April 1; July 1; October 1). All changes will need to be submitted to Financial Operations by the 20th of the month preceding the beginning of a new quarter.

D. If, for any reason, a Representative leaves the House of Representatives, all publications, including the remainder of a subscription, will remain the property of the House.

VI. **TELEPHONES** (General) - The House of Representatives furnishes telephones to Representatives and staff. The telephones allow for a number of features such as conference calling, call forwarding and abbreviated dialing. Telephones provided by the House of Representatives are for official use.

A. Each Representative's office is equipped with one telephone for each full time staff member. All requests for changes, moves, additions/deletions, voice mail or general inquiries should be directed to Legislative Service Bureau Telecommunications at P-HONE (7-4663), 888-LSB-4SOM (888-572-4766) or visit the LSB MiSource website.

B. Persons with a hearing or speech disability may access Telecommunications Relay Service (TRS) by dialing 9+711 from a text telephone (TTY) or other device to be connected to a TRS operator. The TRS center may also be reached by dialing 9+711 from any legislative telephone number. In the event of an emergency, TTY users should call 911 directly.

C. **CHARGES** - All standard rate charges for Representatives' office phones will be deducted from their allotment account. Each office will receive a monthly telephone report listing the number of phone lines billed. The monthly service charge includes the following:

Avaya PBX administration (moves, adds, changes, Help Desk support)
Avaya PBX maintenance (inc. 7x24x365 monitoring and trouble solution)
Voice Mail system administration and maintenance
Field support for infrastructure fiber and copper cabling and adds, moves & changes
Inbound and outbound calling
Systems and data security
Custom call processing (call center applications for support staff)
Constituent inbound toll free services
Fax and modem services
Customized floor phones
Telephones and peripherals

Call use will not be charged and detailed reports will not be provided. Representatives and Directors are encouraged to review the reports carefully to verify the number of telephone lines.

Telephone detail information (person called, person calling, etc.) is confidential information and will be retained by Legislative Telecommunications for two months. Requests by a Member office to review this information must be directed to Legislative Service Bureau. Total office expenditures, however, are available for review by the public and/or media.

D. **USAGE** - House telephone numbers may only be utilized or published as a means to reach House personnel for House business. No Representative or employee of the House of Representatives may permit any organization or person to state verbally or in writing that any House of Representatives telephone number is the telephone number for such organization or person.

1. House phone numbers cannot be published or given out as means of transacting the business of any private or governmental organization or association, whether a profit-making or nonprofit-making organization, whether an advocacy or non-advocacy organization. Further, no House phone number may be given out or represented as being the phone number of any public official on any level of government other than "State Representative".

2. **Call Forwarding** - House telephones may not be forwarded to an outside line.

3. **Calling Procedures** - To place a long distance call from a telephone located in a House of Representatives office, dial 9 + 1 + area code + the number being called. Any call made within the "517" area to any place other than the Lansing local calling area must include the area code. Calls to locations out of the state are routed over the most cost-effective carrier.

   Calls to state offices with telephone numbers beginning with "373", "322", "336", "241" and "335" in Lansing can be completed by dialing the last five numbers.

4. **International Calling** - The Legislative Service Bureau has blocked international calling; however if there is a legislative purpose to make a call, contact LSB Telecommunications and they will permit calls during a specific time period.

E. **Floor Telephones** – Each Representative is provided with a telephone at the Representative's desk on the House floor. All audible bells have been removed from the floor telephones; the light on the telephone and the light on the console above the voting button indicates an incoming call.

VII. **MOBILE/CELLULAR PHONES** - The House will reimburse Representatives & staff out of the Member's office allotment for certain usage costs related to mobile and palm combo phones that are used for legislative business during their term of office. Each Member office is allowed a maximum of three phones, which must be billed in the name of the person being reimbursed. When contacting companies to obtain mobile/cellular phone service, Representatives & staff should inquire about any discounts that may be available to them as state employees.

A. The following mobile/cellular phone items are approved charges:
   - monthly use charge

- per minute usage charges
- call charges, text messages, and pictures which are for legislative business
- any special features such as call forwarding, security, voice mail and data fees for cell phones

B. The following mobile phone items are not approved charges:
- any amount towards the purchase/replacement of the phone or related equipment
- installation charges
- insurance fees
- maintenance or maintenance contract charges
- any amount for monthly lease/rent of the phone or related equipment
- activation/reactivation or start-up fees
- any personal, non-legislative business and/or campaign-related calls
- late fees and ring tones

C. To ensure timely reimbursement of mobile phone bills, the bill should be submitted to Financial Operations accompanied by an authorized Financial Operations Request Form. The House will send a payment to the Representative or staff person for the current amount less any items not approved. It will be the responsibility of the Representative or staff person to pay the vendor the total amount due.

VIII. MAILING SERVICES - The House Post Office serves all Representatives and staff of the House of Representatives. It is the Post Office's responsibility to ensure that mailings are as efficient and economical as possible and to adhere to the regulations of the United States Postal Service. **Any questions should be directed to your respective publications coordinator or the House Post Office.**

A. All costs associated with mailing companies and all costs for mailing labels/lists will also be charged to the Member's Allotment account. Please contact your respective publications coordinator for further information.

B. **It is understood that it may be necessary for a Representative to correspond by mail with citizens residing outside of his/her legislative district under certain circumstances. Correspondence of this nature includes forwarding requested information on specific legislation sponsored by the Representative and/or replies to correspondence received by the Representative. All other mailings to persons located outside of a Representative's district are strictly prohibited, unless given approval by the Speaker or the Speaker's designee.**

IX. STATIONERY, ENVELOPES, BUSINESS CARDS & BOOKLETS - Letterhead and envelopes are available in two sizes and can be printed with blue or black ink on

white or buff recycled paper. Manila envelopes can be printed in several sizes with the House of Representatives' return address. Only recycled white wove #10 envelopes or manila envelopes may be ordered for large mailings. Amounts will be limited to the maximum number of households in a Representative's district. Print jobs processed by the Legislative Service Bureau print shop will be charged to the Member's or Central Staffs Allotment account as billed by LSB for the actual cost of printing and materials. Orders are placed through your respective publications coordinator. Members, who are term limited and within 10 weeks of their departure, may not order additional printed supplies, including booklets.

X. **PRINTING AND COPY MACHINES CHARGES & USAGE** – All printing services, including self-service copy (Xerox) machines located in the Capitol and House Office Building, are for official legislative business use only. Use by outside individuals, groups and/or organizations is strictly prohibited without the expressed approval of the Speaker or the Speaker's designee.

The Member's Allotment account will be charged $.025 per copied side for all copies made at the self-service machines.

The Member's Allotment account will be charged per impression for the printing and/or duplicating of all material submitted to the House Duplicating Center. The cost for black and white is .01 per impression and .12 per color impression.

XI. **FRAMING** – The cost of pre-built and custom frames will be deducted from the Member's Allotment account. Pre-built frames for resolutions, tributes and certificates are available through the Business Office. In addition, custom framing for items being hung in a Member's office is available through the House Carpenter Shop. The item which is to be framed should be sent along with the signed request form to the Business Office. Members may purchase up to 50 frames per calendar year. Empty frames can not be purchased from the Member's Allotment. Members who are term limited and within 10 weeks of their departure may not order custom framing.

Up to 8 ½ x 11	$ 5.00
Over 8 ½ x 11, and up to 11 x 17	$10.00
Over 11 x 17	$30.00
Matted Pictures & Shadow-boxed Frames	$40.00
Mounting & Framing District Maps	$40.00

XII. **PHOTOGRAPHS** - Pictures may be ordered from each caucus' photographer and charged to a member's office allotment. The pictures printed are for the member and not for outside agencies.

XIII. **STAFF SALARIES** - These are charged to the Office Allotment. (See HUM 02.01, HUM 02.06)

XIV. **AUTOMATED PHONE CALLS (ROBO CALLS)**- Members may use their allotments to purchase outside vendor phone services to call into their district for legislative business. All scripts must meet the same guidelines as do printed materials. A written copy of the script along with a signed Financial Operations request form must be sent to Financial Operations, 10th floor HOB, for approval from the Business Office prior to the audio recording being produced. The audio file of the script must also be sent to Financial Operations, once it has been recorded.

XV. **TRAVEL AND EXPENSE**—These are charged to the Office Allotment (see FIN 03.01 and FIN 04.01).

Human Resources
Revised: January 1, 2009

HARASSMENT
HUM 01.04

I. **INTENT** - It is the intent of the Michigan House of Representatives to create and maintain a work environment free from harassment for Representatives, employees and other persons covered by this policy. Accordingly, all employees of the Michigan House of Representatives must attend a harassment training class.

II. **ANTI-HARASSMENT/ANTI-RETALIATION POLICY** - Harassment based on an individual's religion, race, color, national origin, age, sex, height, weight, disability, familial status, marital status, and/or any other legally protected characteristic is prohibited.

Retaliation against an individual who complains of discriminatory harassment under this policy is prohibited.

Intentionally making a knowingly false accusation of harassment is strictly prohibited.

The House will not tolerate harassment, retaliation, or the making of false accusations of harassment.

III. **DEFINITION** - For purposes of this policy, "harassment" is defined as behavior including, but not limited to, written, verbal, and nonverbal communication, gestures, and/or physical contact directed at another person based on his/her religion, race, color, national origin, age, sex, height, weight, disability, familial status, marital status, and/or any other legally protected characteristic.

Such behavior constitutes "harassment" for purposes of this policy if it is unwanted and inappropriate and so severe that it has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment.

Sexual Harassment

Sexual harassment is an unlawful employment practice that is outlawed by Title VII of the Civil Rights Act of 1964, as amended, 42 USCA 2000e et seq., and by the Elliott-Larsen Civil Rights Act, as amended, MCLA 37.2103(h).

The Elliott-Larsen Civil Rights Act defines sexual harassment as:

"... discrimination because of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, ...

2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, ...

3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment ... environment."

IV. **SCOPE OF POLICY** - This policy covers any activity which involves House of Representatives business, including activities which are conducted in any building under the control of the House or which might occur at any event, meeting, seminar, conference, or other gathering sponsored by the House or the Representatives, or any gathering which is attended by Representatives, employees, or other covered persons for any legislative purpose.

V. **PERSONS COVERED** - All Representatives and all employees (regular and temporary, full-time and part-time, and contractual) are covered by this policy. All interns, volunteers, persons having business with the House and members of the public while participating in legislative business are also covered. (The use of the term "employee" in this policy shall include Representatives, full-time employees, part-time employees, interns, volunteers, persons having business with the House, and members of the public while participating in legislative business.)

VI. **REPORTING PROCEDURE** - If you are a Representative, employee, or other covered person and you believe that <u>you</u> have been subjected to or are being subjected to harassment, you are strongly encouraged to talk to your immediate supervisor about the incident(s).

If you are a Representative, employee, or other covered person and you believe that <u>someone else who is a Representative, employee, or other covered</u>

person has been subjected to or is being subjected to harassment, you may report it to your immediate supervisor. However, the House has no duty to act upon a complaint of harassment not made or confirmed by the alleged victim, and may use its discretion in responding to or not responding at all to any such complaint.

If you would prefer *for any reason* to talk to someone other than your immediate supervisor, then you are encouraged to talk to any of the following persons about the incident(s):

- House Business Director
- Majority Chief of Staff
- Majority Legal Counsel
- Minority Chief of Staff
- Minority Legal Counsel

If you choose to talk to your supervisor, your supervisor will, immediately after your discussion with him or her, contact the House Business Director. Likewise, Chiefs of Staff and Legal Counsel receiving complaints will also immediately contact the House Business Director.

If you need immediate protection and/or intervention, the House Business Director will consult with the appropriate Legal Counsel to provide that to you as quickly as possible.

Complaints of harassment will be treated as confidential to the fullest extent possible within the bounds of the House's duty to respond appropriately and to address completely and fairly all allegations of harassment.

VII. INVESTIGATION

A. Legal Counsel

After receiving notice of alleged harassment, the House Business Director will conduct an investigation into the matter with the assistance of the appropriate Legal Counsel. The Legal Counsel to be chosen for the investigation is within the sole discretion of the House Business Director.

B. Notice

Whenever it is deemed necessary in order to complete a proper investigation, the House Business Director and Legal Counsel will notify the Chief of Staff and Legal Counsel of the party of the alleged harasser. In all cases of alleged harassment, the Business Director will notify the Majority Chief of Staff and Majority Legal Counsel.

C. Investigation Procedure

The investigation will be conducted in a prompt, thorough, and impartial manner, and shall include:

1. interviewing the complainant, all witnesses identified, the alleged harasser, and any other persons who may provide further information;

2. reviewing any documentary or other evidence provided by the complainant;

3. completing the investigation and submitting a written summary of the evidence and determination of the validity of the allegations within 20 business days of the initial notice of alleged harassment.

Upon completion of the investigation, the House Business Director and Legal Counsel will consult with the appropriate Chief of Staff and Leader to determine an appropriate resolution and/or corrective action if necessary.

The complainant and the alleged harasser will be informed of the results of the investigation and the intended plan for resolution and/or corrective action if necessary.

VIII. **NO EXPANSION OF EXISTING LAW -** Nothing in this policy is intended to expand the current state of the law as applicable to the Michigan House of Representatives, its Representatives, and employees. Any statement of the law herein which constitutes or may be interpreted to be an expansion of the current law, both Michigan and federal, on harassment and discrimination is unintended, and the House specifically disclaims any such expansion.

Information Systems
Revised: January 1, 2008

GENERAL
INF 01.01

I. The Information Systems Office is located on the 4th floor of the House Office Building. The telephone number is 3-5779.

II. **Purpose and Procedures** - Information Systems oversees the purchase, installation and maintenance of computer equipment, network operations, application programming as well as user training and support of packaged software products. Requests for service (equipment changes, software installation, training, etc.) must be authorized by the Representative or Director and submitted to Information Systems.

III. **House Policy on Information Systems**

A. The House of Representatives has made a substantial investment in its computer systems and data. Because many House operations are dependent upon the continued availability and reliability of this system and data, strict standards relative to the use and care of the system must be adhered to by Representatives and staff. All changes in the physical location of computer equipment shall be scheduled with Information Systems. The actual transfer for equipment shall be made by the Information Systems staff only.

B. Use of any computer equipment and software purchased or licensed by the House of Representatives for non-legislative business is prohibited; this includes the use of electronic mail (e-mail) and instant messaging.

C. Access to the computer system and networks for fraudulent purposes or intentional and unauthorized access, alteration, damage, and/or destruction of computers, software programs and data constitute a violation of 1979 Public Act 53, MCLA 752.791 et seq.

D. Security procedures are meant to protect the access and use of the computer equipment. House employees shall not give access codes or passwords to any other person.

E. Computer software purchased by or licensed to the House of Representatives is subject to U.S. copyright laws and license agreements between the House and vendors. Copying and/or distributing any computer software for any purpose may be a violation of federal law and/or licensing agreements and is expressly forbidden.

F. Computer hardware and software used by Representatives and/or staff to perform any business of the House of Representatives must be approved, purchased and installed by Information Systems.

G. All software must be approved by the Information Systems Director, prior to installation. This policy includes any software applications obtained via the Internet. It is recommended to consult with Information Systems prior to purchasing any software. The use of any computer equipment and/or software not licensed to the House of Representatives and not approved by the Information Systems Director is prohibited.

H. Desktop computers, peripherals and printers shall remain on the premises of the House of Representatives at all times. House employees issued mobile computers are responsible for transport and ensuring their computer is on premises during work. Representatives and Directors may require their staff to keep mobile computers on premise at all times.

I. Representatives and staff may configure their personal cell phones or computers to receive e-mails and calendar updates from their office e-mail account.

J. Information Systems is responsible for daily backup of all network files. Computer users are responsible for backing up the files stored on their individual hard drives.

K. Information Systems reserves the right to recall your computer hardware at any time. Furthermore, the House reserves the right to access and view the contents of the device. Do not store confidential information, or information that is in violation of House Policies & Guidelines, on House-issued equipment.

L. Electronic acceptable computer usage screens will be displayed periodically to every user, as they login. Failure to accept this policy will result in loss of network access.

M. Login accounts will be created for all full time employees. Representatives may request a login account for paid, part-time employees. Member offices have a maximum of 5 (five) login accounts. Departments may have 2 (two) "Intern" accounts to allow temporary and/or part-time staff the ability to support the office or department properly.

IV. The computer equipment assigned to Members and staff is the property of the Michigan House of Representatives. Payment of the fair market value as prescribed by the House Business Office, if the equipment is lost or stolen, is the user's responsibility. Users will need to reimburse the House for the cost of lost equipment prior to being issued new equipment, or prior to your last day of employment with the House.

A. If your computer is stolen, a police report must be filed with the appropriate authorities. A copy of the police report and payment for the equipment at fair market value must be submitted to the House Business Office before replacement equipment will be issued. Checks should be made payable to the "Michigan House of Representatives". If you plan on submitting a claim with your insurance company prior to reimbursing the House, a copy of the claim should be given to the House Business Office.

B. Users are responsible for the accessories that accompany their computer equipment (case, cables, mouse, etc.) The accessories need to be returned with the computer prior to a Representative's or employee's termination of employment with the House. At that time, reimbursement for the replacement cost of any lost items must be made to the Business Office.

Information Systems
Issued: May 23, 2007

ELECTRONIC MAIL AND INSTANT MESSAGING
INF 01.02

I. The House of Representatives provides electronic mail and instant messaging for its employees.

A. **Expectation of Privacy** - All aspects of the electronic mail and instant messaging systems are the property of the House of Representatives. Employees shall not have any expectation of privacy with any electronic mail or instant messaging transmissions. Examples of property within this context include, but are not limited to, passwords, attachments, messages sent and messages received.

B. **Confidentiality** - Employees shall not have any expectation of confidentiality with electronic mail or instant messaging transmissions.

C. **Guidelines** – While we attempt to keep mass communication by a Member in the confine of her/his district, we understand that electronic mail and video may not
consign itself to that limitation. However, the content of that communication must purport to House printing guidelines.

II. Employees shall abide by the following policy for using electronic mail and instant messaging:

A. An employee shall not use electronic mail or instant messaging services provided by the House of Representatives for non-business purposes. (Note: This includes campaign and campaign-related purposes.)

B. An employee shall not disclose confidential information via electronic mail or instant messages.

C. An employee shall not retrieve or read another employee's electronic mail, or instant messages, unless directed to do so by the Speaker or the Speaker's designee.

D. An employee shall not use electronic mail, or instant messaging, in any manner that is discriminatory, sexually offensive, or profane.

E. All electronic mail and instant messages may be subject to disclosure in an investigation.

F. An employee shall be responsible for the maintenance of their electronic mail and instant messaging. This maintenance includes, but is not limited to, deletion of messages sent, messages received, and emptying deleted items

G. Do not send confidential information via electronic mail or instant messaging. Electronic mail and instant messaging are not private.

III. Electronic Mail and Instant Messaging Policy Violations

A. Employees using electronic mail or instant messaging services provided by the House of Representatives for non-business purposes may have their electronic mail or instant message privileges revoked.

Information Systems
Issued: April 25, 2005

INTERNET ACCESS AND USAGE
INF 02.01

I. The House of Representatives has made substantial investments to make it possible to electronically communicate with fellow employees and constituents as well as to attain information from the worldwide web. The purpose of these investments is to help our employees perform their job in a more efficient manner.

A. **Expectation of Privacy** - All aspects of using the Internet with House computers are the property of the House of Representatives. Employees shall not have any expectation of privacy with any transmissions, searches, or other Internet features. Examples of property within this context include, but are not limited to, passwords, messages sent, messages received, and searches conducted.

B. **Confidentiality** - Employees shall not have any expectation of confidentiality with Internet activity, including but not limited to e-mail, instant messaging, and social network services.

II. **Rules of Usage** - Employees shall abide by the following policy for using the Internet:

A. An employee shall not use the Internet, Intranet or Portal access provided by the House of Representatives for non-business purposes.

B. An employee shall not disclose confidential information via the Internet, Intranet or Portal.

C. An employee shall not retrieve or read another employee's Internet, Intranet or Portal transmission, unless directed to do so by the Speaker or the Speaker's designee.

D. An employee shall not use the Internet, Intranet or Portal in any manner that is discriminatory, sexually offensive or profane. Any such messages may be subject to disclosure in an investigation.

E. Examples of unacceptable usage shall include but are not limited to:

1. Creating or forwarding chain mail
2. Usage of House computer equipment for personal profit
3. Usage of improperly licensed software
4. Downloading, archiving, displaying or storing of sexually explicit material.
5. Storing, printing or viewing of graphic files that are not directly related to legislative business. Examples of such files are, but not limited to, include downloading of games, jokes, audio files animations or movie segments.
6. Social networking sites that are not directly related to Legislative business.

III. **Internet Access and Usage Policy Violations**

A. Employees using the Internet, Intranet and Portal services provided by the House of Representatives for non-business purposes may have their Internet privileges revoked.