

Committee Rules of the
House General Investigating Committee
Governing the Filing, Investigation, and Resolution of
Complaints Related to Appropriate Workplace Conduct

Rule 1. Purpose. The House General Investigating Committee adopts these rules to implement Rule 15 (Appropriate Workplace Conduct) of the House Rules, Article 9 (Appropriate Workplace Conduct) of the Housekeeping Resolution, and all relevant House policies adopted by the Committee on House Administration related to workplace conduct and inappropriate workplace conduct to ensure that members, officers, and employees may exercise their rights and responsibilities under those rules and policies.

Rule 2. Performance of the Chair's Duties by the Vice Chair or Independent Investigator. (a) The vice chair shall perform the duties of the chair under these rules if the individual whose complained-of conduct is the chair of the committee, the chair's employee, or an individual related to the chair or the chair's employee within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code.
(b) The independent investigator appointed by the committee under Section 9.03(f), Housekeeping Resolution, shall perform the duties of the chair under Committee Rule 6 until the independent investigator files a final investigative report with the committee.

Rule 3. Filing a Complaint. (a) To obtain information on filing a complaint alleging a violation of the House Rules and policies related to appropriate workplace conduct, an individual may contact the:

(1) committee chair, if the individual whose complained-of conduct is an individual other than the chair, the chair's employee, or an individual related to the chair or the chair's employee within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code; or

(2) committee vice chair, if the individual whose complained-of conduct is the chair of the committee, the chair's employee, or an individual related to the chair or the chair's employee within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code.

(b) At the complainant's request, the chair:

(1) shall confer with the complainant about the facts and circumstances that may constitute the alleged inappropriate workplace conduct;

(2) shall assist the complainant in perfecting the complaint if the facts and circumstances appear to constitute alleged inappropriate workplace conduct; or

(3) may advise the complainant if the facts and circumstances presented to the chair do not appear to constitute inappropriate workplace conduct.

(c) The complaint shall be filed in writing and either signed under oath or subscribed by the person making the declaration as true under penalty of perjury, and in substantially the form prescribed by Chapter 132, Civil Practice and Remedies Code, or its successor statute. It may be filed by mail, electronic communication, fax, or in person with the chair.

(d) The complaint shall set forth the following information:

(1) the harm experienced by the complainant as a result of the alleged inappropriate workplace conduct;

(2) an explanation, if any, given by the respondent to the complainant for the alleged inappropriate workplace conduct;

(3) a declaration of unlawful discrimination or harassment under federal or state law, if applicable;

(4) facts upon which the complaint is based, including the date, place, and circumstances of the alleged inappropriate workplace conduct; and

(5) sufficient information to enable the chair to identify the respondent, such as the respondent's name; the name of the respondent's employer, if any; best contact telephone number; or other information that reasonably identifies the respondent.

(e) A complaint shall be filed and perfected not later than the 180th after the date on which the alleged inappropriate workplace conduct occurred.

(f) A complaint may be withdrawn by a complainant at any time. A withdrawn complaint may be refiled before the expiration of the period specified under Subsection (e).

(g) Before the expiration of the period specified under Subsection (e), a perfected complaint may be amended by the complainant to cure technical defects or omissions, or to clarify and amplify allegations made. An amendment alleging additional acts that constitute inappropriate workplace conduct related to or growing out of the subject matter of the original complaint shall relate back to the date the complaint was first filed. The chair shall provide a copy of the perfected complaint to the respondent. An amended perfected complaint shall be subject to the procedures set forth in applicable law.

(h) The chair shall deliver a copy of the perfected complaint to the respondent not later than the 10th day after the date the chair receives the perfected complaint.

(i) Upon the request of the complainant or respondent, the chair shall advise the complainant and respondent of the status of a perfected complaint, unless doing so would jeopardize another investigation by another unit of government.

Rule 4. Position Statement. (a) After the respondent receives a copy of the perfected complaint, the respondent may respond to the allegations set out in the perfected complaint by submitting a statement of position to the chair.

(b) The position statement shall be filed in writing and either signed under oath or subscribed by the person making the declaration as true under penalty of perjury, and in substantially the form prescribed by Chapter 132, Civil Practice and Remedies Code, or its successor statute, and at a minimum, set forth the following information:

(1) facts that explain or rebut the complainant's allegations;

(2) an identification of any specific documents and witnesses, including the witnesses' names, addresses, and telephone numbers, that support the respondent's position.

(c) A respondent must submit the statement of position to the chair not later than the 21st day after the date the respondent received the perfected complaint. A position statement received after the deadline may not be considered by the chair or committee.

(d) The chair shall deliver a copy of the position statement to the complainant not later than the next business day after the date the chair receives the position statement.

Rule 5. Representation. The complainant and respondent may be represented by an attorney or designated agent.

Rule 6. Investigation of a Perfected Complaint. (a) The chair in consultation with the

members of the committee shall determine the nature and scope of the investigation within the context of the allegations set forth in the perfected complaint.

(b) At all reasonable times during the investigation of a perfected complaint, the chair and designated committee employees shall have access to:

- (1) necessary witnesses for examination under oath or affirmation; and
- (2) records, documents, and other information, for inspection and copying, that are relevant to the investigation of alleged violations of the House Rules, the Housekeeping Resolution, and House policies related to appropriate workplace conduct.

(c) The chair may use any form of discovery authorized under Section 819.43, Title 40, Texas Administrative Code, to obtain information needed for an investigation.

(d) After all relevant evidence has been received, the chair shall direct the preparation of the investigative report on the perfected complaint, which must:

- (1) state facts related to the issues raised by the complainant and respondent that are supported by the information obtained during the investigation sufficient to sustain any conclusions that may be made during the reasonable cause determination but should not state any conclusions;
- (2) include an appendix of all evidence supporting the facts contained in the report.

(e) The chair shall direct the delivery of the report to the committee members promptly upon completion.

Rule 7. Subpoena. (a) The committee shall have the authority to sign and issue a subpoena to compel the attendance of necessary witnesses for examination or testimony under oath or affirmation, and to compel the production of records, documents, and other evidence relevant to the investigation of alleged inappropriate workplace conduct for inspection and copying. Neither the complainant nor the respondent shall have the right to demand that a subpoena be issued.

(b) A person served with a subpoena issued by the committee who does not intend to comply may petition the chair in writing to revoke or modify the subpoena not later than the fifth business day after the date the person receives the subpoena. A petition shall identify separately each portion of the subpoena with which the petitioner does not intend to comply, and for each portion shall state the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition. The committee shall review the petition and make a final determination on revoking or modifying the subpoena. The chair shall provide a copy of the final determination on the petition to the petitioner by electronic communication.

(c) If a person fails to comply with a subpoena, the committee may take all necessary steps for enforcement of the subpoena under Chapter 301, Government Code.

Rule 8. Dismissal of Complaint Before Reasonable Cause Determination. (a) The chair may dismiss a complaint if:

- (1) it is not filed timely;
- (2) it fails to state a claim under Rule 15 of the House Rules;
- (3) a complainant fails to perfect a complaint within 10 days of the receipt of the complaint; or
- (4) a complainant fails to cooperate, fails or refuses to appear or to be available for interviews or conferences, or fails or refuses to provide requested information.

(b) Before dismissing a complaint under Subsection (a)(4), the complainant shall be notified and given a reasonable time to respond.

(c) The chair shall notify the complainant and respondent of the dismissal of a complaint.

Rule 9. Reasonable Cause Determination. (a) The committee shall review the investigative report to determine whether there is reasonable cause to believe the respondent engaged in inappropriate workplace conduct prohibited under Rule 15 of the House Rules, or house policies adopted pursuant to that rule.

(b) If after the review, a majority of the committee determines that, as alleged in the perfected complaint:

(1) there is reasonable cause to believe that the respondent has engaged in inappropriate workplace conduct, the chair shall schedule a due process hearing under Rule 10; or

(2) there is not reasonable cause to believe that the respondent has engaged in inappropriate workplace conduct, the chair shall issue, to the complainant and respondent, a letter of no cause determination stating the committee's finding that the evidence does not support the perfected complaint.

Rule 10. Due Process Hearing. (a) If the chair is required to schedule a due process hearing under Rule 9, Subsection (b)(1), the chair shall issue a notice of hearing to the complainant and respondent that must include:

(1) a statement of the time and place of the hearing;

(2) a reference to the specific form of alleged inappropriate workplace conduct involved;

(3) a short, plain statement of the factual matters asserted by the complainant and respondent; and

(4) the committee's findings that support or negate each factual matter asserted.

(b) The hearing shall be conducted in the same manner as a contested case hearing under Chapter 2001, Government Code, and is completely confidential under Article 9.03(j), Housekeeping Resolution.

Rule 11. Action After Due Process Hearing. (a) After a due process hearing, the committee shall determine whether the respondent violated a rule or policy as alleged in a complaint and shall prepare a report containing:

(1) the committee's findings of fact and conclusions of law to support its final determination; and

(2) if the committee finds that the respondent violated a rule or policy, a recommendation for any discipline or remedial action, in proportion to the seriousness of the conduct, necessary to prevent the violation from occurring again.

(b) No committee report shall be made unless ordered by two-thirds of the membership of the committee. If a committee report is ordered, any member of the committee dissenting from the views of the majority may file a minority report not later than the 10th day after the committee orders the report.

(c) If the committee is unable to agree on a recommendation for action or has an insufficient number of votes to adopt the report prepared by the committee, it shall submit a statement of this fact as its report.

(d) The committee shall deliver a copy of its report to the complainant and respondent and, if the respondent is:

(1) a member of the house, to the speaker and the chief clerk;

(2) an officer of the house, to the speaker; or

(3) an employee of the house, to the employee's employing authority as set out in the Housekeeping Resolution.

Rule 12. Dispute Resolution: Informal Conference, Mediation, Conciliation. The committee encourages the resolution of complaints at all times in the complaint process by either informal or formal methods of dispute resolution such as informal conference, mediation, and conciliation.

(b) The chair may invite both the complainant and the respondent to attempt to resolve their dispute through dispute resolution methods. Either party may also request dispute resolution to resolve the complaint during this period.

(c) The chair shall direct the use of a dispute resolution method under this rule only if both the complainant and the respondent agree to the method.

(d) If the complainant and respondent use a dispute resolution method and reach a settlement that requires the execution of a written agreement disposing of the perfected complaint, the agreement is binding and enforceable in the same manner as any other written contract.

Rule 13. Records Retention. Committee records related to an investigation that are not ordered printed or released until Article 9, Housekeeping Resolution, remain confidential until disposed of according to law.

Rule 14. Election of Remedies. A person who has initiated an action in a court of competent jurisdiction or who has an action pending before an administrative agency under other law or an order or ordinance of a political subdivision of this state based on an act that would be a violation of Rule 15 (Appropriate Workplace Conduct) of the House Rules, Article 9 (Appropriate Workplace Conduct) of the Housekeeping Resolution, and all relevant House policies adopted by the Committee on House Administration related to workplace conduct and inappropriate workplace conduct may not file a complaint under these rules for the same grievance.