

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. R18-1014.01 Gregg Fraser x4325

**SR18-003**

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**Senate Committees**

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**SENATE RESOLUTION 18-003**

101     **CONCERNING THE EXPULSION OF SENATOR RANDY L. BAUMGARDNER**  
102             **FOR SEXUAL HARASSMENT OF A LEGISLATIVE EMPLOYEE.**

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1             WHEREAS, On November 28, 2017, a former Legislative Aide at  
2     the Colorado General Assembly filed a formal complaint alleging that  
3     Senator Randy L. Baumgardner had grabbed and slapped her buttocks on  
4     four separate occasions during the 2016 Legislative Session; and

5             WHEREAS, Pursuant to Rule 38 of the Joint Rules of the Senate  
6     and the House of Representatives, the General Assembly has in place a  
7     workplace harassment policy that is binding on all members of the  
8     General Assembly; and

9             WHEREAS, That workplace harassment policy prohibits physical  
10    conduct of a sexual nature, which includes, among other things, patting,  
11    pinching, or intentionally brushing against the body of a member, a  
12    legislative employee, or a third party; and

13            WHEREAS, Pursuant to the workplace harassment policy, after a  
14    formal complaint has been made the contact person with whom a  
15    complaint is filed may, at the contact person's discretion, elect to use an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

1 independent third party to investigate the complaint; and

2 WHEREAS, The Secretary of the Senate, acting under her  
3 authority as the contact person with whom the complain was filed,  
4 selected Employer's Council, a private organization made up of and  
5 funded by employers, to investigate the complaint; and

6 WHEREAS, The Employer's Council conducted a full  
7 investigation between December 4, 2017, and January 18, 2018, during  
8 which the Employer's Council interviewed four individuals, including  
9 Senator Baumgardner, in regard to the formal complaint; and

10 WHEREAS, The Employer's Council concluded that the victim's  
11 complaint was credible and that Senator Baumgardner, more likely than  
12 not, grabbed and slapped the victim's buttocks on several occasions  
13 during the 2016 Legislative Session; and

14 WHEREAS, The workplace harassment policy also prohibits  
15 verbal conduct of a sexual nature, including, among other things, sexual  
16 comments or innuendoes about a person's clothing, body, or sexual  
17 activity; and

18 WHEREAS, The Employer's Council investigation also revealed  
19 an unprofessional pattern of behavior by Senator Baumgardner, including  
20 inappropriate comments made in the workplace such as "you look  
21 extremely sexy today"; and

22 WHEREAS, Senator Baumgardner's verbal and physical conduct  
23 constituted sexual harassment because it was of a sexual nature and had  
24 the purpose or effect of unreasonably interfering with an individual's  
25 work performance and creating an intimidating, hostile, and offensive  
26 working environment in violation of the workplace harassment policy in  
27 place pursuant to Joint Rule 38; and

28 WHEREAS, The Senate finds that the members of the Senate  
29 should conduct themselves in accordance with the highest moral, ethical,  
30 and legal standards in their official duties and in their public and private  
31 lives; and

32 WHEREAS, The Senate finds that members and legislative  
33 employees of the Colorado General Assembly, and third parties who work  
34 with the General Assembly, have an inalienable right to enjoy a

1 workplace free from harassment; and

2 WHEREAS, The Senate finds that while all sexual harassment is  
3 unacceptable, sexual harassment against a legislative employee is  
4 especially reprehensible because of the inherent power dynamics; and

5 WHEREAS, The Senate finds that Senator Randy L. Baumgardner  
6 behaved inappropriately and in a manner incompatible with the high  
7 standards and dignity of the Senate; and

8 WHEREAS, The Senate finds that the conduct of Senator Randy  
9 L. Baumgardner has failed to uphold the honor and dignity of the Senate  
10 and reflects poorly upon the State of Colorado and its citizens; and

11 WHEREAS, The Senate finds that Senator Randy L. Baumgardner  
12 has failed to acknowledge any wrongdoing or accept responsibility for his  
13 behavior during the 2016 Legislative Session; and

14 WHEREAS, Pursuant to Section 12 of Article V of the Colorado  
15 Constitution the Senate may expel one of its members by a two-thirds  
16 vote of all senators; and

17 WHEREAS, Senator Randy L. Baumgardner's behavior rises to the  
18 level where expulsion is the only just remedy; now, therefore,

19 *Be It Resolved by the Senate of the Seventy-first General Assembly*  
20 *of the State of Colorado:*

21 That Senator Randy L. Baumgardner is hereby expelled from the  
22 Senate for just cause and that his seat is hereby declared vacant.

23 *Be It Further Resolved,* That the Secretary of the Senate print this  
24 Resolution in its entirety in the Senate Journal.