

Kate Brown
Governor



Oregon Commission for Women
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Oregon Law Commission, Oregon State Capitol Workplace Harassment Work Group
School of Law
University of Oregon

Chair P.K. Runkles-Pearson and Members of the Oregon State Capitol Workplace Harassment Work Group:

The Oregon Commission for Women appreciates the work of the Oregon State Capitol Workplace Harassment Work Group to identify and review best practices. Your document shows your evolving consensus on issues important to this topic and is testament to the thoughtful work of this group. We have reviewed your draft of Identification of Best Practices and provide the following comments:

- I. **Prohibited conduct** – We agree with your discussion on promoting a respectful and inclusive work environment by prohibiting more conduct than the present law requires and agree that the Best Practices subgroup be convened to define the scope of conduct subject to specific policy.
- II. **The options** – We agree with the consensus approach to policy options presented.
- III. **The equity office** – We agree with the two divisional approach to separate functions for the equity office but would like to see its reporting relationship to the Speaker, President, Human Resources and Legislative Affairs Office laid out in more specificity. We see that the office will report to a joint legislative committee but appreciate that it must maintain a working relationship with other entities at the Capitol.
- IV. **Confidential reports** – We agree with the discussion presented and encourage the Best Practices subgroup to determine the state statute necessary to ensure that confidentiality be upheld to the greatest extent possible.
- V. **Formal reports** – We agree with the spirit of the discussion on formal reports and encourage accountability in this important area.

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Dr. Connie Kim-Gervery,

Research Analyst

- VI. **Formal complaints** – We appreciate the thorough discussion presented in this area but raise our concern over the timeframe for reporting. We favor unlimited time limitations rather than 4 years to address the experience that survivors of sexual assault have documented in recent discussions.
- VII. **Protecting reporters, complainants and respondents** – We agree with the consensus approach presented and would recommend that EEOC standards be applied in applying rules to a formal report naming an individual respondent.
- VIII. **Investigation, remedies and appeals** – In this area we raise the issue of the time needed to conduct an investigation. Ninety days given the length of the legislative session every biennium would seem to be a very long time. Might a tighter time frame be the standard to ensure that a conclusive and final report be issued in a timelier manner. We also raise the issue of proposing a timeline for the protection of the complainant while in the review process. We appreciate that options for separation from the problem are offered but worry that without timing attached, the complainant might be in a harmful situation for weeks or months before action is taken.

We thank you for the opportunity to review this document and look forward to the additional work products that the subgroup will produce as it addresses this important topic for the Capitol workplace.

Dr. Barbara Spencer, Chair

A handwritten signature in blue ink, appearing to read "Dr. Barbara Spencer", with a stylized flourish at the end.

Oregon Commission for Women

CC: Sandy Weintraub, Josh Nasbe