



June 18, 2018

Senator Courtney, Senate President

Representative Kotek, Speaker of the House

Senator Monnes Anderson, President Pro Tempore

Senator Burdick, Senate Majority Leader

Senator Winters, Senate Republican Leader

Representative Williamson, House Majority Leader

Representative McLane, House Republican Leader

Dear Oregon Legislature Leaders:

The Oregon Commission for Women has closely monitored the investigation into sexual harassment complaints at the Oregon legislature. Dian Rubanoff's report released in February 2018 determined then-Senator Jeff Kruse had a pattern of "engaging in unwelcome physical contact toward females in the workplace." The report revealed that the misconduct was conducted against a number of individuals including, for the purpose of the investigation, three female senators, a member of the House, two law students who worked for Senator Kruse, Republican and non-partisan staffers, a former legislative aide and a lobbyist. While Senator Kruse was the specific subject of this investigation, the report also revealed a culture of silence, with consequences for speaking out in the minds of victims that the OCFW believes would be a broad statement on the situation at the Capitol extending over a period of years. Given this state of affairs, readers of the report could assume the real situation involves more incidents of misconduct than covered in the scope of the report.

In light of this situation, and with the knowledge that the majority of the women affected by the incident were not named in the report and have not come forward

OR Commission for Women

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to file a formal complaint or press charges, providing redress beyond the investigation of Senator Kruse seems warranted. One of the law students interviewed for the report said she did not speak up about the harassment because she was “terrified” how it might affect her career. Given the larger picture of silence and power dynamics revealed in the report, she provided an accurate assessment of her personal risk, in our view. Staff members interviewed by Ms. Rubanoff said that Kruse’s reputation for touching women seemed well-known and widely accepted at the Capitol. We believe this culture of guilty knowledge and enforced acceptance of sexual misconduct has been endemic and cannot be ignored. Neither focusing on sanctioning Senator Kruse, nor careful review of best practice, barriers, and solutions to the situation can address the situation prior to the implementation of new procedures. Existing victims will require time to sort out their feelings and experiences, trust in new procedures that prevent retaliation, and build the confidence needed to come forward for justice and closure.

The June 4 memo from Senate President Courtney and Speaker Kotek outlined how legislative leadership is working to increase respectful interactions and decrease harassment in the Oregon Capitol. We applaud the potential implementation of interactive small group trainings focused not on how potential harassers should avoid bad behavior, but how employees should address offensive situations. We hope this kind of training is implemented in advance of the 2019 session and that it will continue on an annual basis for all Capitol occupants. We also applaud the decision to create an external position to which victims could report harassment or assault. Establishing a confidential, external hotline and staffing that hotline with a person trained in dealing with those experiencing harassment/assault would certainly assist future victims as they try to navigate next steps.

That notwithstanding, the Commission is concerned with the timeline for implementation of the items above, as well as the Oregon Law Commission’s review of the Oregon Legislature’s laws and policies related to workplace harassment. We agree these revisions are necessary; however, the Law Commission was asked to complete their work in time for the 2019 legislative session. On this timeline, nothing is poised to change at the Oregon Capitol until July 2019, at the earliest. These future changes do nothing to remedy the situation for those already harmed, nor will the changes provide assistance to anyone experiencing harassment or assault in the Capitol over the course of the next year.

As we followed the initial reporting and subsequent action by legislative leadership to sanction and consider lasting change, it has come to our attention that Labor Commissioner Brad Avakian identified several measures which legislative leadership could undertake, both to provide some remedy for the individuals who have already been harmed - as revealed in the investigation - as well as proactive measures to mitigate future instances of harassment or assault.

Some of those measures were addressed in the June 4 memo. Other measures included:

- 1) Identifying and training two staff members within legislative administration to assist harassment/assault victims and process complaints;
- 2) Having an independent agency or individual, not specializing in the defense of harassment claims, conduct spot checks annually for five years. This would include staff, lobby, legislator, and legislative leadership interviews to ensure everyone is experiencing an improved environment and continues to have a voice as changes are implemented;
- 3) Extending the statute of limitations beyond the 2019 legislative session for those who believe they may have been harmed.

The women harmed by Senator Kruse deserve more from legislative leadership than a promise to revise the laws and policies governing the Oregon Legislature. The harm is already done. Those who work at the Capitol deserve more than a promise that their workplace will be harassment-free in the future. In evaluating the measures described above, the Commission believes legislative leadership could do more between now and the 2019 session to mitigate harassment at the Capitol. We also consider extending the statute of limitations on sexual misconduct in the Capitol beyond 2019 to be an essential element and measure of commitment to change. We ask that you evaluate these measures and determine what steps legislative leadership will take to help those already harmed and mitigate harassment prior to the 2019 session.

The Oregon Commission for Women is happy to discuss these recommendations or take part in conversations with legislative leadership on strategies to change the culture in the Oregon Capitol.

Sincerely,



Dr. Barbara Spencer, Chair



Kimberly Olson, Vice Chair