

Chair Barker and members of the committee, my name is Dana Lovejoy, and I teach at Calapooia Middle School in Albany, Oregon. I am here today in support of HB 2596 because I have been directly affected by the form of sexual abuse I hope it will prevent. I would like to share with this committee my experience, as it occurred in my own classroom last year.

On May 22, 2014, I was approached by a very brave young lady, suggesting that I no longer allow the use of cell phones in my classroom. She was the ONLY student with the integrity to come forward. When I asked for her reasoning, she informed me that a student in a different class had used his cell phone to take a picture under my "skirt" four days earlier and was showing it to other students. I am here today to ask for your help in stopping this kind of sexual abuse as Oregon state law does not currently classify this type of behavior as criminal.

This is my experience. May 22 was a Thursday. On Monday of that same week, I was wearing an ankle-length dress. My students sit in groups made up of three to four individuals occupying ten tables. With over 30 students in a classroom at one time, space to move through the classroom addressing the various needs of the students is limited.

At one point during my fourth period class, I stopped to assist one of my students, leaning forward slightly to do so. I had no reason to believe my body needed to be protected. Unfortunately, I was wrong. A male student sitting at the table behind me lowered his cell phone until it was almost on the floor and began taking photos under my skirt. Several witnesses who later gave statements verified this. Once he had the pictures, he immediately Snap-Chatting to other individuals in the classroom and in the school district. From there, the picture was resent and shown to other students in the school and school district utilizing those students' networks.

Following my class, one of the recipients was showing the picture to several classmates. This was the catalyst that prompted the brave young lady to come forward. She saw the situation and was bothered by the picture.

Over the course of the days that followed, the picture ended up on other social media outlets such as Instagram. By Thursday, when the investigation in the school began, this picture had been seen by most of the students in my classes.

Upon learning what had happened, I felt immediately in shock and violated. Not only was I photographed without my consent, not only was it of my genital area, but the majority of the school I work in had seen it before I was even aware it existed. Upon hearing this information, I told all my students to take their phones back to their lockers. Very few students protested or asked why because, as I *now know*, they knew *exactly what had happened!* I contacted the office to ensure the incident was under investigation

My principal subsequently informed me where he was with the investigation. Not surprisingly, he couldn't get a confession out of the male perpetrator and the photo was no longer on his phone. After confirming with me that I had underwear on, the principal went on to say the violation of my person was not criminal due to the fact that I had underwear on and my intimate areas were not completely exposed. And, in spite of the fact there were witnesses who confirmed the young female's story, without the picture it was going to be hard to hold the perpetrator accountable.

According to current law, no crime was committed because I had underwear on, concealing my intimate areas. According to current law the criminal intent for this action depends on what the woman is wearing or not wearing under her skirt. This student did not care what I had on under my dress. His intent was the same

regardless of whether I was covered or exposed. So the criminal penalty should be the same regardless of how a woman is dressed. He was taking a picture of my most private area of my body.

While it was challenging to focus, I had continued to work through the school day, telling each class that cell phones were no longer allowed in my classroom. I told them that I had been made aware of being violated and their privilege had been lost. In spite of the violation, I continued to be professional and work with students; even those who I knew were involved.

A couple class periods later, the principal entered my classroom again and requested I meet with him after school for an update on his investigation. He informed me that he had called the students who were closely involved in for questioning. However, by this point too much time had elapsed, and the picture was apparently no longer on their phones. The school did find pictures on their phone of adolescent female classmates with exposed gaps in their shirts and pants as they sat in chairs. A lot of these pictures showed the undergarments of the girls, but they too had no outlet to lodge a complaint since their body was not exposed due to the wearing of undergarments.

Let me paraphrase what I just explained: an adolescent male can take inappropriate pictures of an adolescent female's genitalia unbeknownst to her, post them on social media for others to see, but it is not criminal for him to do so as long as she is wearing undergarments.

The principal, the human resources department, or the police could take no action because the incident was not criminal. I continued to suffer through the pain of being violated and to work as a professional to finish out the school year.

It has been over eight months since this incident and I am still working to recover from the violation I feel. I now wear dresses and skirts only if I have tights or shorts underneath to protect myself from potential voyeurs. I still feel overcome with emotion and cry when I share my story with others. I have instituted a no-cell-phone policy in my classroom, yet I still find students hiding them in class. I no longer feel safe in my classroom.

Unfortunately, this is not an isolated incident. Just last week, a student who transferred from another school in Oregon, shared that students in his other school's class tried to take a picture under his teacher's dress last year.

I tell every teacher I know about what happened to me in an effort to protect them from the same thing happening to them. I am not the first to have this "up-skirting" happen, and the recent stories in the news prove I am not the last. The fact that the action has been given a moniker is evidence that this is taking place too often and with little or no recourse for victims. Our laws have not kept up with our technology.

As a result of this incident, my school district has changed its policies in relation to sexual harassment to address this type of act. However, these changes only affect the women who work in my district. Every individual has the right to reasonably expect that they are protected against inappropriate acts of sexual nature. Please help us protect our teachers *and* students—they are your daughters, sisters, wives, and mothers.

I ask each of you to please support House Bill 2596, so this never happens again. I thank you for your time and consideration.