

Complainant Statement
Investigation of Senator Sara Gelser

July 9, 2020

Joint Committee on Conduct
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Dear Joint Committee:

I am writing to respond to the investigation report dated June 15, 2020, submitted by Brenda K. Baumgart regarding Senator Sara Gelser's report of her own potential violation of Rule 27.

It is my understanding that this Committee's only task is to investigate whether Senator Gelser has violated Rule 27, and that there are not allegations of wrongdoing on my part. If this Committee is investigating me, please let me know what the allegations are against me so that I am able to more formally respond.

I wish to reiterate to this committee what I have reported and attempted to resolve with Senator Gelser and shared with Ms. Baumgart. I do not believe my perspective was taken into consideration in Ms. Baumgart's report. If I can answer questions or provide evidence to assist the Committee in its decision, please let me know.

- Before I worked for Senator Gelser, she knew that I had experienced trauma while studying at the University of Oregon, related to a sexual assault and the University's mishandling of that sexual assault. In fact, that experience was central in her desire to hire me, as she said in my hiring memo, "Ms. Hanson has been involved in not one, but two, equity related law suits against institutions and won. Her experience navigating these issues, her understanding of its impact on workplace dynamics, and her excellent skill at professionally and respectfully communicating in such situations is unmatched in any other candidate."
- When Senator Gelser hired me in December 2018, she knew I had a diagnosis of PTSD, depression and anxiety related to the trauma I experienced. I took a significant pay cut to accept the position because I believe in public service and the anti-harassment initiatives Senator Gelser has championed. During my tenure as her Chief of Staff, Senator Gelser was aware of my symptoms from PTSD, anxiety and depression; we discussed medications that I took and the various medical appointments I had to regularly attend in order to successfully manage my mental and physical health.
- PTSD, depression and anxiety are serious health conditions that require constant care from my medical providers and at times have been life threatening, making them covered health conditions under FMLA and OFLA. They are also protected disabilities under Oregon and federal law, as impairments that, when active, substantially limit my ability

to breathe, speak, think, walk, communicate, learn, read, concentrate, sleep, work, socialize, and care for myself, among other major life activities. I have at all times been able to perform the essential functions of my job with or without accommodation.

- Senator Gelser has not only known about my PTSD diagnosis, but she has also targeted me because of it in the past. For example, during an inappropriate and coercive EEOC training in February 2019, I had a panic attack related to my PTSD. Senator Gelser asked me to speak with the media about the symptoms of PTSD triggered by the presentation. I was willing to do that because I agreed with Senator Gelser that the training was not acceptable, but Senator Gelser's treatment of me around that situation also felt exploitative of my PTSD diagnosis.
- In October 2019, I sustained a concussion and took time off. Senator Gelser retaliated against me then by accusing me of "time theft." She pointed to days off I had taken earlier in the year. These were days that she instructed me to take "off the books" in lieu of a raise she had promised me upon hire. She tried to deny me pay during the time off I needed for my concussion because of this. It felt like she had set me up to retaliate against me.
- On December 17, 2020, I met with a former Chief of Staff of Senator Gelser, and shared with them some of Senator Gelser's texts and emails that felt harassing and abusive. While I was talking to them, they noticed that I jumped at the sound of my phone and appeared afraid. They said I needed to take my symptoms seriously and take care of myself. When I left, I had a panic attack. I saw my therapist that day, and she told me that for my health and to minimize my symptoms of PTSD, I needed to take a personal day.
- In my daily memo to Senator Gelser that day, I told her: "My therapist recommended that I take a mental health day soon... I'm thinking about taking the 20th as a mental health day because the need is urgent (I would take it tomorrow, but that's too much to dump on you and I can wait two days)." I agreed to go to Salem with the Senator the next day, as planned, because I was scared to tell her what happened to me the previous day.
- Before Senator Gelser left for the day on December 18th, she called me into her office. She told me that instead of taking my "mental health day" on the 19th or 20th as I had requested in the memo from the day before, I should just take my "mental health day" the next week while Senator Gelser was "on Christmas vacation," so we could "be out of the office at the same time and just close the office for Christmas." I knew I couldn't disagree. As I described above, Senator Gelser became very angry with me if I was not constantly available to her to the point that it caused my panic attack the day before, so I agreed with Senator Gelser's plan to avoid any further conflict.
- I did not take December 19 or 20 off. Per Senator Gelser's instructions, both she and I took the entire "week of Christmas" off: from December 23-December 27th. While I was out, Senator Gelser required that I speak to her over the phone and stay in contact with her.

- After assigning the task of planning a town hall to me, while I was out and without telling me, Senator Gelser took over the task and announced the town hall for the wrong date. When I returned on December 30 and learned of the mistake, I again told her that date was not available. She then berated me with accusations.
- I told Senator Gelser, “This is a toxic and emotionally abusive work environment and no one can be successful within it.”
- Senator Gelser then forwarded my messages to Human Resources, which initiated this investigation. I spoke with Human Resources and told the story included in this letter. Before this, I had never received any performance review or any other formal feedback regarding my performance from Senator Gelser.
- On December 31, 2020, knowing I had mental health diagnoses, Human Resources asked me if I needed an accommodation to do my job effectively. I understand that because of my PTSD, I am more prone to have extreme physiological responses, like panic attacks, to abuse and harassment. But, I do not understand having a work environment free from harassment and intimidation to be an “accommodation,” and so I was not sure how to answer the question. I continued to reiterate that I wanted to resolve this issue with Senator Gelser and to experience no more harassment.
- In that phone call, the Human Resources representative pointed out that the leave I took for my concussion in October, as well as the leave I asked for because of my PTSD-related panic attack was protected leave under Oregon’s employment laws. She told me that Senator Gelser asking me to delay my PTSD-related medical leave so that it would be more convenient for her vacation was interference with my protected leave.
- On January 2, 2019, I confirmed by email that I understood that my leave was protected under Oregon law and told the HR representative that I understood I was required to attend interviews with the outside investigator and comply with the Rule 27 process Senator Gelser’s report had initiated. To this day, I have never been given a clear answer as to whether or not I was ever required to participate in the investigative process, as each person from the legislature involved in the investigation gave me a different answer.
- On January 6th, 2020 Senator Gelser and the HR representative restricted me from work, taking my cell phone and computer. It seemed like they were punishing me for opposing Senator Gelser’s harassing behavior. They told me I would have access to my text messages and emails to assist with this investigation, but when I asked Ms. Baumgart for them, she refused to give them to me.
- I was required to tell this story, multiple times, including a six-hour meeting with Ms. Baumgart in March 2020 that was very triggering of my PTSD, in which I shared the information contained in this letter. I had another panic attack during that interview, as the majority of the time in that interview was spent quizzing me on my alleged failings as an employee, rather than asking me about Senator Gelser’s harassing behavior. I have

had no control over this process, and I have continued to be the one targeted and punished by it.

- In that meeting, I disclosed to Ms. Baumgart that in between investigative interviews I had been suffering from depressive and suicidal thoughts I hadn't had since my experience with the University of Oregon. I told her that "Many days I have thought that being dead would be better than enduring the remainder of this investigation and its fallout." I attempted to explain PTSD to Brenda and impress upon her how much I needed this investigation to not go forward.

I did not initiate this hearing, and instead attempted to resolve my concerns with Senator Gelser's harassment directly with her. Rather than keeping my disclosure to herself, as she has done with dozens of other staffers in our building, Senator Gelser betrayed my confidence and initiated this hearing. . In communicating directly with her, rather than share my concerns with Human Resources, I was following the workplace procedures Senator Gelser had put in place the day I was hired. I had hoped to work with her through the end of the 2020 legislative session, help her improve her management practices, and quietly leave to a job that would be more supportive of its employees.

Instead, Ms. Baumgart's report makes this hearing sound like it is regarding my performance, rather than Senator Gelser harassing and retaliating against me as prohibited by Rule 27. This process has been used to discourage me and other potential whistleblowers from opposing harassment from people in power.

It is my understanding that Rule 27 says the LEO may take temporary safety measures such as putting the "respondent" on administrative leave. Instead, I have been treated as though I have done something wrong for opposing abusive, harassing behavior in my workplace, related to my disability and protected medical leave, and I was the one put on administrative leave for opposing this. This has further exacerbated my PTSD symptoms and seems like retaliation.

Because of the criticisms of my work and the disparagement included in Ms. Baumgart's report, I would like the opportunity to respond to that separately if there are genuine concerns about my work product. Before I took protected leave related to my disability and told Senator Gelser that I believed her behavior was harassing and toxic, I was never accused of misconduct. Now, it seems like Ms. Baumgart's report is written to both disregard my concerns, and target me as deserving of the retaliation Senator Gelser and Ms. Baumgart claimed never happened.

I hope that this committee will seriously consider my recommendations to modify the legislature's response to and treatment of survivors of workplace harassment and abuse. My life experience now has more weight; I have now been forced to endure not one, but two mandatory reporting processes by institutions who insisted that the process was necessary to protect me and my community. Twice I have accidentally disclosed abuse to people who believed they were mandatory reporters and claimed they had to go against my wishes to initiate a formal investigation. Twice I have been betrayed and further abused by institutions that claimed they would protect me. Twice I have been outed as a survivor of abuse without my consent.

This rule 27 process is not built to protect survivors or to make this workplace safe. This process is built to discourage survivors from reporting abuse. If your only option for protection is to endure a process that first tears your life apart to defend your abuser's behavior and then compels you to publicly defend your experience against your abuser's rebuttal, of course a survivor wouldn't choose that process. Think about it: I wished for death over this process, and I knew I could survive this investigation and build a life on the other side because I already had. Imagine how a young staffer would feel if they didn't know their own resilience.

After this hearing, I will be forced to rebuild myself in the wake of a life-shattering betrayal for a second time. It is your moral and legal obligation to ensure no one ever has to experience this at your hands again.

Respectfully,

Complainant