

September 24, 2020

From: Jackie Sandmeyer, Interim LEO  
To: Joint Committee on Conduct  
Re: Legislative Equity Office Updates



## Legislative Equity Office

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*“The Legislative Branch is committed to promoting a respectful and inclusive environment in the State Capitol and in any setting in which conduct has the ability to create a Capitol environment that is intimidating, hostile or offensive, or may constitute conduct that amounts to retaliation for the making of a good-faith complaint under [rule 27] or for participation in an investigation under [rule 27].”*

Rule 27 (1)(a) as adopted in enrolled HCR 206 (2020)

The following includes an update on only required activities of the Legislative Equity Office from December 2020 to current for the Joint Committee on Conduct.

### **Establishment of Legislative Equity Office**

The Legislative Equity Office was officially established December 2<sup>nd</sup>, 2020 after the appointment of the Interim Legislative Equity Officer. Establishing the office included the following:

- Developing education and awareness about Rule 27 as well as the role of the Legislative Equity Office as a resource and reporting option by attending staff meetings, one-on-one introductions, and mandatory building-wide trainings
- Creating and disseminating materials building-wide that outline Rule 27, individuals' reporting options and responsibilities, the types of prohibited conduct, and the role of the Legislative Equity Office.
- Developing process counseling materials for reporters, complainants, respondents and

witnesses including party specific FAQ's, a process flowchart and handouts describing additional actions and support resources outside the Legislature Equity Office such as EEOC and BOLI.

- Reviewing previously reported cases still eligible to be brought forward under the Rule and process counselling individuals involved as well as discussing any changes that may impact their case with the establishment of the Legislative Equity Office.
- Developing Rule 27 and LEO specific handbook materials for various building onboarding processes
- Later updated all materials to reflect the amendments to Rule 27 that were finalized on 8/10/20

### **Receive Complaints and Offer Process Counseling**

The Legislative Equity Officer is required to receive conduct reports, conduct complaints and confidential disclosures. Upon receipt it is the obligation of the Legislative Equity Officer to explain the Rule 27 process and provide process counseling until the complaint has been resolved.

- Legislative Equity Officer has received 97 reports since December 2, 2020. Two of those reports were anonymous and 29 from members of the public, lobbyists or others outside the Legislature.
- Legislative Equity Officer has overseen 11 reports that resulted in investigations under Rule 27. Six of those investigations are still ongoing and three have gone before the Senate or House Committee on Conduct for resolution.

To effectively receive and manage complaints and provide process counseling requires the office has developed a standard for tracking reports and other notable contacts made with the Legislative Equity Office as well as develop a means to identify patterns of behavior. In addition, to fulfill this obligation, on each case, where required, the office has:

- Engage in on-going communication with investigators.
- Coordinate interim measures with Legislative Administration.
- Counsel new or additional parties that arise during the course of an on-going investigation.
- Provide post-case check-ins and quarterly outreach on long-term measures as required by Rule.

### **Training and Education**

The Legislative Equity Office is required to conduct respectful workplace training for members of the assembly, staff, interns, volunteers and lobbyists. To fulfill this obligation the office has:

- Developed a curriculum and instructed two building-wide two-hour training on Rule 27 and respectful workplace for members, staff, and interns conducted on \_\_\_\_\_ and recorded for online purposes.
- Developed a curriculum and instructed during each onboarding process for new staff and interns.
- Developed a curriculum and provided instruction for volunteers utilized during onboarding.
- Developed a curriculum and instruction for a two-hour training for members of the lobby that

was provided four separate times. 76 members of the lobby have been trained.

- Developed curriculum for and provided five diversity and inclusion staff trainings requested as part of preventative education for a respectful workplace.
- Began updating all curriculum to reflect the amendments to Rule 27 that were finalized on 8/10/20.

## **Culture and Climate Surveys**

The Legislative Equity Office is required to provide regular culture and climate surveys and make results publicly available. To fulfill this obligation the office has:

- Reviewed national best practice models for culture and climate surveys in both workplaces as well as other entities similar to the Legislature.
- Identified benchmarks to collect ongoing data reflective of the goals and mission of Rule 27 and the respectful workplace expectations of the Legislature.
- Drafted a climate survey based using behavior-based language to collect workplace information on:
  - prevalence of conduct,
  - awareness of resources and options,
  - understanding and recognition of different types of prohibited conduct,
  - barriers to reporting and
  - unique experiences of employees, members and interns at increased risk of experiencing discrimination or harassment.

Next steps include:

- Gathering input on the climate survey from the Diversity Equity and Inclusion Committee, Legislative Administration and other groups to ensure all wanted data is being collected.
- Finalizing and distributing the survey.
- Reporting the findings to be made publicly available.

## **Anonymous Reporting**

The Legislative Equity Office is required to establish a means for people to make confidential disclosures that are entirely anonymous. To fulfill this obligation the office has:

- Identified options within IS capabilities to provide for an electronic anonymous reporting option.
- Identified the limitations to anonymity that come with electronic options
- Identified key aspects of the protocol needed for anonymous reporting options such as protecting the identity of the reporter, disclosing any limitations to anonymity before disclosure, identifying a way to provide process counseling materials to an anonymous reporter and finally being able to look into report if instances of individual or building safety were to arise.

Next steps include:

- Consulting with Legislative Administration and others to identify which anonymous reporting option (electronic or physical) best meets the goals of offering process counseling and safety measures.

- Educating the building on the anonymous process chosen.

### **Remaining Actions**

The following are remaining requirements to be completed by the Legislative Equity Office:

- The legislative Equity Officer is required to establish and maintain a Capitol Leadership Team.
- The Legislative Equity Officer must contract with one or more offsite process counselors who receive information from individuals about harassing behavior.