

January 24, 2019

To: Senator Kathleen Taylor, Chair
Senate Committee on Workforce

From: Jeanette Baxter

RE: SB 479 Support

Personal Testimony

Chair Taylor, Vice-Chair Knopp, and members of the Senate Committee on Workforce,

Thank you for allowing me to testify here today. My name is Jeanette Baxter, and I am a victim of sexual assault in the work place. I come here today not only to share my story, but to let other victims of sexual harassment and assault in the workplace know that they are not alone, that they are heard, that their story has power, and that they are believed.

I am here in support of Senate Bill 479. My story, while it may seem extreme, is not that different from many others. In 2014, after years of sexual harassment that I did not report out of fear of retaliation both from my harasser and my employer, I was sexually assaulted in the workplace. Despite knowing how difficult the reporting process was, I came forward, immediately seeking medical care, reporting to law enforcement, and, at the direction of law enforcement; later reporting the assault to the human resources department of my employer, the Department of Human Services at the State of Oregon. Following my assault, I prepared myself for what I anticipated to be the challenges of undergoing a forensic medical exam and reporting the crime to law enforcement. Nothing could prepare me, however, for the most difficult aspect of the investigative process: my employer's internal investigation.

My employer was notified in December of 2014; however, the initial investigation did not begin until January of 2015. Shortly after, despite policies requiring specified timelines be met, the investigation did not conclude until the end of spring. Shortly after the initial investigation concluded, I was made aware that there may have been external influence on the investigation's disposition. For this reason (amongst others), I requested an appeal of the initial decision.

The request for an appeal was granted in the summer of 2015. It was not until the fall of 2015 that the second investigation occurred. During that investigation, all previous information, as well as new information not previously considered, was reviewed, including my statement

regarding the attempt to influence the outcome of the first investigation. Additionally, personal friends and colleagues completely unrelated to the assault itself were interviewed regarding the event. Friends overwhelmed by the prospect of an attorney investigating harassment disappeared. Professional relationships touched by the investigation were changed. The second investigation stretched on until the final report was released in the end of August 2016; nearly two years after I was first assaulted. During the course of this, I reported numerous instances of retaliation; none of which met the narrowly defined criteria set out by my employer. Many of these instances were also reported to the very agencies intended to keep employees safe, at which point I was advised that those agencies did not make a habit of investigating state agencies unless their failure to follow policy could be demonstrated.

There were a number of mistakes and missteps in the near two-year investigation, and in the two and a half years since. Being assaulted created shame and humiliation. I experienced significant depression, Post-traumatic Stress Disorder, anxiety attacks at work, nightmares, and physical ailments that I continue to face today, four years later. I lost time, income, and used personal resources trying to recover; not just from my assault, but from the trauma I endured at the hands of my employer. I was revictimized every time I walked down the halls of my work and saw the supervisors who know knew the most intimate details of my life; every time I had to face the ongoing harassment of my attacker; and every time I passed the physical reminders of my sexual assault. With each investigative step that removed my autonomy, I was reminded that yet again, over and over, for two years, my consent carried no weight. I was at the mercy of those with power and control; forced to acquiesce in hope of achieving safety some sense of justice.

Upon my initial encounter with human resources, I discovered that the investigatory mechanism of my employer had been used against me, and that I was facing the same allegation for the simple fact of coming forward. For this reason, I sought out a contractually allowed representative. Much to my shock, I was by this individual told that I had risked disciplinary action by not immediately reporting my sexual assault to my employer, a terrifying prospect for any employee, especially one on their initial six-month probationary period. From the very beginning, my fear had been retaliation. My worst fear came to life when my employer allowed my attacker to use their own enforcement mechanism against me.

One of the most profound impacts of my victimization was a direct result of a commonly required investigative mandate: not discussing what happened to me. I was admonished during each and every conversation with the either of the investigators, human resources, or anyone remotely tied to the investigation that I was not to discuss the investigation. My required silence perpetuated my victimization and shame. At home, I remembered what happened. I went to work and remembered what happened. For almost two years, there was no escaping the pain of my sexual assault. What is more, because of the requirement of my employer, there was no one to talk to, no one I could talk to.

At the conclusion of the second investigation, I had the chance to speak with leadership. I expressed frustration about the way the process had gone. I was told that many of the challenges I faced were due to the nature of what happened...that what happened to me didn't happen to people in my position, and as such, my employer was in uncharted territory. I do not believe this to be the case. That said, even if I was the first employee of the State of Oregon to be sexually assaulted in the work place, this is not acceptable. Knowing you are safe in the place that you work is paramount to an individual's ability to participate meaningfully in the workplace; and the ability to know you are safe is dependent upon an employer engaging in thoughtful, planful effort to prevent sexual harassment and assault in the workplace.

The number of missteps and mistakes that occurred during my employer's investigation of my sexual assault are hard to quantify and impossible to qualify. Many of those missteps and mistakes...many of those points of recapitulated trauma...could have been prevented were the legislation in front of you today in effect. The journey to recovery has been a long one for me and is not yet done. I never saw justice, legally or in the workplace. I do believe, however, that justice can be found for myself, as well as for the countless other victims of harassment and assault in the workplace, by moving forward this important piece of legislation and begin the process of passing Senate Bill 479.

A handwritten signature in cursive script, appearing to read "Jeanette Baxter".

Jeanette Baxter