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81st LEGISLATIVE ASSEMBLY
HOUSE COMMITTEE ON CONDUCT
State Capitol
900 Court St. NE, Rm. 333
Salem, OR 97301
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To: Members, House Committee on Conduct
From: Melissa Leoni and Jan Nordlund, LPRO Analysts
Date: February 4, 2021
Re: Determined Conduct Violations by Rep. Diego Hernandez

The committee determined that Rep. Hernandez's conduct constituted 18 violations of the standards of conduct established for members of the House of Representatives involving three separate individuals.

SUBJECT ONE

Violation: Sexual harassment quid pro quo (unanimous vote; 2/2/2021)

Respondent engaged in persistent unwanted courting that implied that declining to submit to the conduct would affect Subject 1's business before or influence or opportunity to engage professionally with the Legislative Assembly.

Violation: Sexual harassment hostile work environment (unanimous vote; 2/2/2021)

Respondent, by sending two gift boxes to Subject 1's residence and leaving flowers on Subject 1's car, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment hostile work environment (unanimous vote; 2/2/2021)

Respondent, by asking Subject 1 to meet on May 19th, May 25th, May 30th, June 19th and June 23rd of 2017, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment hostile work environment (unanimous vote; 2/2/2021)

Respondent, by going to Subject 1's residence uninvited, resulting in Subject 1 hiding in a closet, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment hostile work environment (unanimous vote; 2/2/2021)

Respondent, by making attempts to contact Subject 1 at a professional conference, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment hostile work environment (unanimous vote; 2/2/2021)

Respondent, by asking Subject 1 to meet on October 22nd and October 23rd of 2017, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

SUBJECT 2

Violation: Workplace harassment (unanimous vote; 2/1/2021)

Respondent engaged in unwelcome conduct that to a reasonable person created an intimidating, hostile, or offensive work environment by throwing a phone in the direction of Subject 2.

Violation: Hostile work environment (unanimous vote; 2/1/2021)

Respondent engaged in unwelcome conduct that to a reasonable person created an intimidating, hostile, or offensive work environment by sending controlling and abusive text messages to Subject 2.

SUBJECT 4

Violation: Sexual harassment (unanimous vote, 2/3/2021)

Respondent, by attempting to engage in sexual activity with Subject 4 when Respondent was to provide Subject 4 a ride home from a political event, engaged in physical contact of a sexual nature that a reasonable person would

find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment quid pro quo (unanimous vote, 2/3/2021)

Respondent, by making increased requests of Subject 4 for assistance with Legislative business while in a personal relationship with Subject 4, engaged in conduct of a sexual nature that implied that declining to submit to the conduct would affect Subject 4's business before the Legislative Assembly.

Violation: Workplace Harassment (unanimous vote, 2/3/2021)

Respondent, by making intimidating and hostile political requests of Subject 4 via text and phone, engaged in unwelcome conduct that to a reasonable person created an intimidating, hostile or offensive work environment.

Violation: Sexual Harassment (unanimous vote, 2/3/2021)

Respondent, by sending several text messages to Subject 4 about a personal relationship after the end of Subject 4 and Respondent's personal relationship, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual Harassment (unanimous vote, 2/3/2021)

Respondent, by continuing to contact Subject 4 and sending four separate text messages in October 2017 in an effort to discuss a personal relationship, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual Harassment (unanimous vote, 2/3/2021)

Respondent, by responding to a message from Subject 4 regarding a professional courtesy in a way that tried to rekindle a personal relationship, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment quid pro quo (unanimous vote, 2/3/2021)

Respondent, by sending a message in November 2017 that Subject 4 reasonably felt was a threat that Respondent was going to use his professional weight to threaten Subject 4's ability to conduct business at the Capitol, engaged in persistent unwanted courting that implied that declining to submit to the conduct would affect Subject 4's business before the Legislative Assembly.

Violation: Sexual Harassment (unanimous vote, 2/3/2021)

Respondent, by continuing attempts to engage with Subject 4 from October to December of 2017 regarding a personal relationship with Subject 4, engaged in persistent unwanted courting that a reasonable person would find intimidating, hostile or offensive or unreasonably interfere with a person's job performance.

Violation: Sexual harassment quid pro quo (unanimous vote, 2/3/2021)

Respondent, by resuming a personal relationship with Subject 4 when Subject 4 felt obligated to rekindle a personal relationship with Respondent because she was fearful Respondent would withhold Legislative Assistance, engaged in persistent unwanted courting that implied that declining to submit to the conduct would affect Subject 4's business before the Legislative Assembly.

Violation: Sexual harassment quid pro quo (unanimous vote, 2/4/2021)

Respondent, by ignoring multiple requests from Subject 4 to meet and discuss Legislative business after Subject 4's unwillingness to engage in a personal relationship with Respondent, engaged in persistent unwanted courting that implied that declining to submit to the conduct would affect Subject 4's business before the Legislative Assembly.