

HR 1-2
(LC 3427)
2/5/21 (DJ/ps)

Requested by HOUSE COMMITTEE ON CONDUCT (at the request of Representative Julie Fahey
and Representative Ron Noble)

**PROPOSED AMENDMENTS TO
HOUSE RESOLUTION 1**

1 After line 1 of the printed resolution, insert:

2 “Whereas Article IV, sections 11 and 15, of the Oregon Constitution, di-
3 rect the House of Representatives to determine its own rules of proceeding
4 and to discipline its members; and

5 “Whereas the House of Representatives adopted rules of proceeding when
6 it convened in organizational session on January 11, 2021; and

7 “Whereas Legislative Branch Personnel Rule 27 is among the rules
8 adopted by the House of Representatives during its organizational session;
9 and

10 “Whereas Rule 27 memorializes the commitment of the House of Repre-
11 sentatives to promoting a respectful and inclusive environment in the State
12 Capitol and in any setting in which conduct has the ability to create a
13 Capitol environment that is intimidating, hostile or offensive; and

14 “Whereas Rule 27 similarly memorializes the commitment of the House
15 of Representatives to providing a safe and respectful workplace and to taking
16 proactive steps to improve the culture of the State Capitol so that behavior
17 from any source that has a negative impact on the workplace may be effec-
18 tively addressed and resolved; and

19 “Whereas Rule 27 establishes standards of conduct applicable to the
20 House of Representatives that prohibit conduct that constitutes harassment
21 or sexual harassment and that creates a hostile work environment, and pro-

1 hibits conduct that is retaliation; and

2 “Whereas legislative branch personnel received reports regarding the
3 conduct of Representative Diego Hernandez; and

4 “Whereas Rule 27 requires an independent investigator unaffiliated with
5 the legislative branch to be appointed to conduct an investigation and de-
6 termine findings of fact relevant to the allegations when a report is made
7 concerning the conduct of a member of the House of Representatives and the
8 reported conduct, on its face, could violate Rule 27; and

9 “Whereas an independent investigator was appointed to investigate the
10 allegations against Representative Hernandez, and the investigator inter-
11 viewed impacted parties and witnesses, interviewed Representative
12 Hernandez twice and examined written records; and

13 “Whereas the investigator prepared and submitted to the House Commit-
14 tee on Conduct a report setting forth the investigator’s findings of fact con-
15 cerning Representative Hernandez’s interactions with five individuals; and

16 “Whereas the House Committee on Conduct conducted four days of
17 hearings from February 1 to 4, 2021, at which the investigator presented the
18 investigator’s findings, at which Representative Hernandez, through counsel,
19 presented for the committee’s consideration his views on the allegations and
20 on investigation and committee procedures, and at which impacted parties
21 who elected to testify were able to do so; and

22 “Whereas the House Committee on Conduct had opportunity to and asked
23 clarifying questions of the investigator; and

24 “Whereas after due deliberation, the House Committee on Conduct deter-
25 mined that Representative Hernandez’s conduct constituted 18 violations of
26 the standards of conduct established for members of the House of Represen-
27 tatives related to sexual harassment and workplace harassment, involving
28 three separate individuals; and

29 “Whereas the House Committee on Conduct held an additional hearing
30 on February 5, 2021, to deliberate on and recommend to the House of Rep-

1 representatives appropriate discipline of Representative Hernandez; now, there-
2 fore,”.

3 Delete lines 3 through 5 and insert:

4 “That we, the members of the House of Representatives of the Eighty-first
5 Legislative Assembly, find that Representative Diego Hernandez has engaged
6 in disorderly behavior within the meaning of Article IV, section 15, of the
7 Oregon Constitution; and be it further

8 “Resolved, That censure is an appropriate remedial measure to be imposed
9 on Representative Hernandez so as to reprimand Representative Hernandez
10 for the violations of the standards of conduct that the House Committee on
11 Conduct found Representative Hernandez engaged in and will deter future
12 conduct that would violate those standards; and be it further

13 “Resolved That Representative Hernandez be censured and ordered to
14 comply with the terms of censure established by the House Committee on
15 Conduct on February 5, 2021.”.

16
