



Triangle
INVESTIGATIONS

FOR THE OREGON STATE LEGISLATURE

REGARDING REP. DWAYNE YUNKER

Prepared by Kia Roberts, Founder and
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This report is confidential, subject to Rule 27

Introduction

Kia Roberts, J.D., on behalf of Triangle Investigations, conducted an investigation into allegations of misconduct. These allegations were made against Oregon State Representative Dwayne Yunker. A confidential disclosure was made to the Legislative Equity Office (LEO) alleging that comments Representative Yunker made during remonstrances on the House floor on March 17, 2025, created a hostile work environment, and that Representative Yunker's public disclosure of a confidential letter from the Legislative Equity Office was retaliatory. Another impacted party complained that Representative Yunker's comments made during remonstrances on March 17, 2025, and April 7, 2025, created a hostile work environment.

This report contains factual findings based upon the information made available in the course of investigating this matter.

Investigative Framework/Process

Set forth below is a summary of the relevant sections of Rule 27 and a description of the investigative process.

As relevant to this report, Rule 27 states that the legislative branch is committed to providing a safe and respectful workplace. Rule 27 (1)(b). Members of the Legislative Assembly are expected to conduct themselves in a manner that is free of harassment and to discourage all harassment in the workplace and at professional meetings, seminars, or at any event at which the legislative business is conducted. Rule 27 is designed to provide options to redress harassing behavior, discriminatory behavior, retaliation, or other behavior prohibited by the Rule. Rule 27 (1) (f) (8). See also Rule 27 (1) (g), and (1 [e]). This Rule is designed to provide options to those

who are experiencing or observing harassing behavior, discriminatory behavior, retaliation, or other behavior prohibited by the rule. Harassment that creates a hostile work environment is prohibited by Rule 27. Rule 27 (8)(a). According to Rule 27 (5), sexual harassment occurs when an individual engages in unwelcome conduct of a sexual nature, including but not limited to sexual advances, requests for sexual favors, sexual comment, unwanted or offensive touching or physical contact, unwanted closeness, impeding or blocking movement, sexual gesture, sexual innuendo, sexual joke, sexually charged language, intimate inquiry, persistent unwanted courting, sexist insult, gender stereotype, or other verbal or physical conduct of a sexual nature, if: (a) Submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment; (b) A person expressly or by implication conveys that declining to submit to the conduct will affect an individual's job, leave request, benefits, business before the Legislative Assembly, influence or opportunity of the individual to engage professionally with the Legislative Assembly, its members or staff; or (c) The unwelcome conduct has the purpose or effect of unreasonably interfering with a person's job performance, or creates a work environment that a reasonable person would find intimidating, hostile or offensive. For purposes of this Rule, "unwelcome conduct" means conduct that an individual does not solicit and that the individual regards as undesirable or offensive. An individual may withdraw consent to conduct that was previously welcomed, though a withdrawal of consent must be communicated to the person for whom consent is being withdrawn. The Rule also states that sexual harassment includes but is not limited to: (a) unwanted sexual advances, flirtations or propositions, (b) demands for sexual favors in exchange for favorable treatment or continued employment, (c) sexual jokes. (d) verbal abuse of a sexual nature, (e) verbal commentary about the body, sexual prowess or sexual deficiency of an individual, (f) Leering, whistling, touching or physical

assault, (g) Using sexually suggestive, insulting or obscene comments or gestures, or (h) Displaying sexually suggestive objects or pictures.

A hostile work environment is created by behavior that is unwelcome and is so severe or pervasive that either affects the person's ability to function in the workplace or denies the person the benefits of the workplace. Rule 27 (4)(b). It is possible for a person who was not the target of disrespectful behavior to still be subjected to a hostile work environment. Where behavior is unwanted or unwelcome, it can have an effect on someone who is not the target of the behavior and conduct. Conduct that is inconsistent with a safe, respectful and inclusive workplace, but that does not rise to the level of creating a hostile work environment under Rule 27 may be addressed under the Legislative Branch Respectful Workplace Policy. As relevant to this matter, the Rule defines protected class to include sex. Rule 27 (3) (w). Rule 27 is designed to provide options to those who are experiencing or observing harassing behavior, discriminatory behavior, or other behavior prohibited by the Rule so that they can seek information, report behaviors, or file complaints to address and resolve concerns. Victims who seek to remain anonymous and ensuring that fundamental freedoms of speech and expression are protected are core values in the legislative branch.

Role of the Investigator

The Legislative Equity Office contracted with Kia Roberts, J.D. of Triangle Investigations to review and investigate allegations arising from confidential disclosures that were made to the LEO regarding Representative Yunker's comments. This investigator is an independent investigator and is not an employee of the Oregon State Legislature. No one instructed this investigator regarding how to conduct the investigation.

Facial Review

Rule 27 requires a facial review to determine whether the reported conduct, when taken on its face, could be prohibited by Rule 27. A facial review and a determination was made for each of the confidential disclosures. On March 26, 2025, an impacted person alleged that Representative Yunker's comments on March 17, 2025, created a hostile work environment for her. Additionally, another impacted person made a confidential disclosure on March 27, 2025, alleging the same.

On March 17, 2025, Representative Yunker stated the following on the House floor:

“Thank you, Madam Speaker. Last week, a mother in my district spoke at Three River School Board Meeting about the library book ‘The Haters’. The book is currently in North Valley High School Library in Grants Pass. She began the process of contesting the book back in January. She met with the principal, then the district reviewed the book to determine it would be removed or not. She was just notified that the district decided not to remove the book. Before I start reading the section on page 265, I want to highlight the rules on the Floor forbidding profane and indecent language, but it's okay for children to use profane and indecent language in public schools, because the book is provided to them in the library. From page 265, ‘She guided me on my back and pulled on the bottom of my briefs. I pushed them over my knees and feet and was clearly naked and not hard at all. She straddled me and pulled her top off, her breasts flopped out, and I heard more of them saw them. She reached behind herself, kind of careful, and took my not hard dick into one hand. Pretty soon I couldn't really think about anything else, and pretty soon after that, I was hard, and she took her hard her hand away, and heard her opening some little crinkling package, and I felt her put pulled plastically at the middle of the condom, snugly on the front of my dick, like she was shrink wrapping it. I felt her fingernails through the plastic like legs crab fingernailing the...” [pause] “This this is where I left off. The condom snugly on the front of my dick like she was shrink wrapping it, I felt her fingernails through the plastic like the legs of crabs fingernailing their way down my dick and she rose up little and adjusted her panties and breathed harder and opened her mouth and her breathe was like vegan fritters and farm animals and her eyes were dark and I saw that the”

A facial review was conducted, and it was determined that the sexually explicit comments made by Representative Yunker on March 17, 2025 does implicate Rule 27.

The allegations that Representative Yunker used offensive language on the House floor on April 7, 2025, does not implicate Rule 27. This determination that this language does not implicate Rule 27 was made at the facial review step of the process.

On April 7, 2025, Representative Yunker gave a speech on the House floor. In that speech, Representative Yunker stated the following:

“Mr. Speaker, I speak to you about the Oregon Way today. Here in Oregon, we speak without evidence, truths. But about how you feel, or as one identifies. Me or who I am or who I believe. In Oregon, facts don't matter. You must accept my delusions. My ears, my hearing, my brain. In Oregon the facts don't matter. You must accept my delusions. Boys are girls and girls are boys. In Oregon, facts don't matter. You must accept my delusions. Humans are furry animals. In Oregon, facts don't matter. You must accept my delusions. Reverse discrimination is not racism. In Oregon, facts don't matter. You must accept my delusions. Men can have babies. In Oregon, facts don't matter. You must accept my delusions. Abortion is health care, and health care is abortion. In Oregon, facts don't matter. You must accept my delusions. Pornography is education. In Oregon facts don't matter, you must accept my delusions. People who break our federal laws and come here are legal citizens. Facts don't matter. You must expect accept my delusions. I believe I am Black. In Oregon, facts don't matter. You must accept my delusions. You're probably wondering if I lost my mind or think I'm crazy, but don't judge me because in Oregon, we speak without evidence or truths. But about feelings, or as one identifies. In Oregon, we do it different. I believe it only matters what I believe. And you must accept what I think is truth, the Oregon way.”

On May 3, 2025, an impacted individual communicated to the Legislative Equity Office that Representative Yunker had publicly released a confidential letter from the Legislative Equity Office, and that it significantly compromised them. On May 5, 2025, the Legislative Equity Officer referred this new allegation to this investigator. On May 6, 2025, the impacted person made a confidential disclosure and report of retaliation to the investigator, directly. This investigator conducted a facial review and determined that an investigation should proceed.

Interviews/Documents Reviewed

I reviewed relevant documents and press reports and interviewed witnesses. I do not identify witnesses by name in this report because some witnesses were unwilling to participate in the investigation unless I provided assurances that they will not be identified by name.

I did not make a conclusion as to whether Rule 27 was violated. This report contains the information that I believe is necessary to explain my factual findings and provide the Conduct Committee with information to enable it to determine whether a violation of Rule 27 occurred.

Witness Interviews

1. Witness #1 (staff member) was interviewed on March 28, 2025, via phone call. This witness explained that it is not typical for Representatives to make complaints during remonstrances about bills not being discussed that day. The witness said that she felt like Representative Yunker is in a position of power and should not have read this sex passage on the House floor. The witness said that after Representative Yunker read the passage, Speaker Pro Tempore Gomberg banged his gavel and stopped the floor. The witness said that they felt a lot of discomfort because of what Representative Yunker said.³ The witness said that felt like this would be like her boss reading erotica to her. The witness said that Representative Yunker did this deliberately to make people feel uncomfortable and unsafe. The witness said that it felt like the air was sucked out of the room. The witness said that it is a part of her job to watch the proceedings on the House floor, and that she felt like she needed to leave and get fresh air, causing her to not be able to do her job.
2. Witness #2 (staff member) was interviewed via telephone on March 31, 2025. Witness #2 recalled that when Representative Yunker gave his speech on the House floor, Witness #1 told Witness #2 that she felt nauseous, and had to walk away for a minute. Witness #2 said that Witness #1 had to take a significant amount of time away from the desk after Representative Yunker made his speech, and that Witness #1 was red in the face. Witness #2 also said that the people around him appeared to be uncomfortable as well.
3. Witness #3 (staff member) was interviewed via telephone on March 31, 2025. Witness #3 said that he recalled Representative Yunker saying something about a “soft dick” on the House floor. Witness #3 said, “This made me uncomfortable. Representative Yunker is a high-up politician, but I feel like we shouldn’t have to listen to these inappropriate words.” Witness #3 said that he is nervous that Representative Yunker is going to keep

³ The witness began to cry at this point in the interview.

doing this for the last 3 months of the legislative session.

4. Witness #4 (staff) was interviewed via telephone on April 4, 2025. Witness #4 stated that she felt shocked, saddened, and disgusted by Representative Yunker's speech. Witness #4 stated that she felt like Representative Yunker was making a mockery of the House floor. Witness #4 said that after Representative Yunker's speech, Witness #1 looked like she was about to have an anxiety attack. Witness #4 said that Representative Yunker has no care or concern for how his statements impact others.

Allegations of Retaliation

On May 6, 2025, Witness #1 contacted Kia Roberts and stated that they had been made aware that, over the weekend, Representative Yunker had posted on social media about the ongoing investigation into his speech, and that the Statesmen Journal had written an article about the investigation. Witness #1 stated that the following: "I feel extremely uncomfortable that this confidential information was shared with the public and with the media. It caused me extreme anxiety coming into work this week and I feel as though it was an escalation and potentially retaliatory. At the very least it was a violation of my privacy, and I feel as though complainants should not need to fear confidential communications being shared in this manner."

Under Oregon Legislative Branch Rule 27, retaliation is expressly prohibited in connection with harassment and discrimination within the legislative environment. This Rule applies to legislators, staff, interns, lobbyists, and others involved in legislative activities.

Retaliation under Rule 27 encompasses any adverse action taken against an individual for reporting or participating in the investigation of harassment or discrimination. Such actions may include termination, demotion, reassignment, or other negative employment consequences, in the legal context. Specifically, Rule 27 (6)(a-c) prohibits any person from treating another less favorably because they participated in an investigation or made a complaint under Rule 27. The

Rule aims to protect individuals who engage in protected activities from being penalized, thereby encouraging the reporting of misconduct.

Representative Yunker's Response

Representative Yunker sent a letter, dated April 9, 2025, to the Legislative Equity Officer and this investigator. In that letter, Representative Yunker expressed surprise about the investigation and stated that his speech was protected by the First Amendment:

“Dear Ms. Roberts, I was notified on April 2 by Ms. Bor Yang that you have opened an investigation under Legislative Branch Rule 27 related to complaints arising from two remonstrances I delivered in mid-March. I am writing to provide a statement in response. To be clear, my statement does not indicate agreement with the validity of Rule 27. I have serious concerns that this Rule may infringe upon rights protected under the U.S. Constitution—specifically, the First Amendment (freedom of speech) and the Due Process Clause of the Fifth and Fourteenth Amendments. Rule 27 is vulnerable to constitutional challenge if it disciplines political speech, targets specific viewpoints, or lacks procedural fairness. I was surprised to learn that Rule 27 is being used to investigate a legislator's remarks during official remonstrances. Under Article IV, Section 9 of the Oregon Constitution, members of the Legislative Assembly are not to be questioned elsewhere for words spoken in debate. This constitutional protection exists precisely to preserve free and open legislative discourse. The first complaint relates to my March 17 House floor remonstrance reading of a sexually explicit passage from a public-school library book while opposing Senate Bill 1098. Ironically, the very material described as creating a ‘hostile work environment’ by staff is the same content that some legislators want to prevent parents from shielding children from in schools. The second complaint relates to my March 27 House floor remonstrance expressing my concerns about House Bill 3014 and its implications, including putting tampons in boys’ bathrooms. I expressed my views grounded in my biblical beliefs about male and female, as God created us. Any attempt to censor or punish me for these views would be a direct violation of my religious freedom. In conclusion, I find this investigation not only unwarranted, but emblematic of the constitutional issues embedded in Rule 27. This Rule is in need of serious reform.”

Representative Yunker was otherwise unresponsive to attempts to notify him and seek his participation. This investigator contacted Representative Yunker's Office by email on May 2, 2025, and May 6, 2025.

Determination

Rule 27 directs the investigator to use best practices in conducting the investigation and to make findings of fact relevant to the allegations. Unlike investigations regarding the conduct of those who are not members of the Legislative Assembly, investigators are not asked to determine whether Rule 27 has been violated by a member. Rule 27(14)(d)(b)&(e). However, as stated above, Rule 27 directs the investigator to consider “whether the conduct that is the subject of the investigation constitutes discrimination by denigrating or showing hostility toward a protected class or toward an individual because of the individual’s status as a member of the protected class. The investigator shall report the investigator’s considerations under this subparagraph in the investigator’s draft via written findings. I conclude that Representative Yunker’s comments could create a hostile working environment. I also concluded that Yunker’s comments did affect employees’ ability to do their jobs effectively. People subjected to offensive language in the workplace can suffer significant psychological and emotional harm, particularly when they cannot easily remove themselves from the environment. Continuous exposure to inflammatory language can erode self-esteem, create anxiety, and lead to chronic stress, which may affect both mental and physical health. When individuals are trapped in such hostile conditions without a clear avenue for relief or redress, the cumulative effect can result in decreased job performance, burnout, and even long-term trauma, fostering a workplace culture of fear and exclusion rather than respect and inclusion. There were witnesses in this investigation who said that they were not able to leave their posted position once Representative Yunker began using the sexually explicit language.

In regard to the retaliation allegation, it was not clear that Representative Yunker intended to retaliate against the impacted individuals. It was not clear that the Representative knew their identities or could determine their identities from the letter. However, one of the impacted parties

felt harmed and at risk by the public disclosure of the letter. Publicly disclosing confidential information can and does cause a chilling effect and keeps people from making reports and participating in investigations.