



February 5, 2021

Oregon House Committee on Conduct  
Oregon State Capitol  
900 Court St. NE  
Salem, Oregon 97301

**Ensuring Civil Rights, Human Rights, and Civil Liberties for Women at the State Capitol**

Dear Members and Staff of the Oregon House Committee on Conduct,

The safety of women in all spaces is a civil rights and human rights issue, and the safety of women at the Oregon State Capitol is a civil liberties issue. Because these rights are fundamental, the ACLU of Oregon joins over 130 organizations and individuals who have called for the Oregon House of Representatives to ensure safety for women working at the Capitol and appropriate accountability for Representative Diego Hernandez.

Diego Hernandez has hurt women. To these women, we hear you, we believe you, and we support you.

We hear your calls that the Oregon Legislature learn from the investigation to create process improvements, that they initiate a comprehensive review of the conduct of all members of the Legislature in relation to their Rule 27, that measures be taken to preserve the livelihoods of Mr. Hernandez's staff, and that Mr. Hernandez be expelled from the House of Representatives. We support your calls for these remedies.

The requested remedies are supported by factual findings resulting from a fair process. In 2020, after receiving multiple reports of sexual harassment and a hostile working environment caused by Mr. Hernandez, the Legislative Equity Office engaged an independent investigator. This step was appropriate as it allowed the Legislature to thoroughly investigate and interview multiple parties and witnesses through a neutral third-party investigator. The investigation also supported due process by providing Mr. Hernandez and his legal counsel with multiple opportunities to provide his response via interviews and documents. As well, the impacted women and Mr. Hernandez were provided the opportunity to review a draft version of the investigation report and provide responses to it.

The due diligence of the investigative process has concluded, and the investigation report sets out factual findings that meet the definition of sexual harassment set out in the Legislature's Rule 27.

Specifically, the factual findings in the report establish that Mr. Hernandez engaged in unwelcome conduct towards multiple women over multiple years, that he engaged in this conduct when he had the power, privileges, and responsibilities of a House Representative, and that this conduct had the purpose or effect of unreasonably interfering with job performance or creating a work environment that a reasonable person would find intimidating, hostile, or offensive. The House Committee on Conduct has been confirming the factual findings through the hearing process. Given the factual findings, we agree with the impacted women that resignation or expulsion is the appropriate level of accountability.

Representing the public is a privilege, not a right. The loss of that privilege pales against the right to be safe that Mr. Hernandez took from these women.

We urge Mr. Hernandez to take ownership and accept the consequences of his actions. Ownership and accountability are essential to ensure that the rights of the women Mr. Hernandez harmed are acknowledged and supported. Ownership and accountability also are essential to interrupt patterns of harmful conduct and to prevent Mr. Hernandez and others from hurting more women in the future.

Individuals and organizations in leadership positions need to model the change our communities want to see, and we were profoundly disappointed by Mr. Hernandez's statements and actions that indicate he is unwilling to take full ownership and accountability for hurting women. We urge Mr. Hernandez to reflect on the way this exacerbates and continues the harm he inflicted on these women.

The ACLU of Oregon continues to believe, as Bryan Stevenson tells us, that "each of us is more than the worst thing we have done." However, this does not absolve any individual or organization, including the ACLU of Oregon, of ownership and accountability when we cause harm. We hope that Mr. Hernandez will fully accept responsibility, but if he is unwilling to do so, it is incumbent for the House to act.

Although it is essential that the Legislature take necessary action about Mr. Hernandez, much more is required. As requested by the women who have been harmed, we urge the Legislature to engage all the remedies and steps needed to make all people who engage in sex and gender related harassment, misconduct, and violence accountable for their actions. We also urge the Legislature to recognize the profound harms that occur at the intersections of sex, gender, and race and to take the steps needed to prevent and address all forms of discrimination and harassment that suppress the civil rights, human rights, and civil liberties of Oregonians.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sandy Chung', with a stylized flourish at the end.

**Sandy Chung, J.D.**

Pronouns: she, her

**Executive Director**

American Civil Liberties Union of Oregon