



OREGON STATE SENATE

November 15, 2017

Under Legislative Branch Personnel Rule 27 (6) a member of the Legislative Assembly or an employee of the Legislative Branch may file a formal complaint about workplace harassment. I am filing such a complaint and request that this issue be brought before the Conduct Committee as prescribed by the rule. I am currently a member of the Conduct Committee and am requesting that the Senate President discharge me from the Conduct Committee.

The Oregon Legislative Assembly has a harassment free workplace policy that protects individuals employed by the Assembly from unwanted touching and harassment. Further, the Oregon Capitol is a place of public accommodation and as such must be a place that is safe for all who visit regardless of gender or sex. I take seriously my responsibility to uphold these obligations, and recognize PR 27 requires me under 27 (3) to report and take appropriate action to "prevent" and "promptly correct" harassment that may pose a risk to our employees, our colleagues or the public. Though I have used the informal reporting process in the past to try to address my concerns about Senator Kruse's behavior towards me, the investigation resulting from my most recent complaint led to alarming information suggesting this is a severe and pervasive problem impacting many women in the Capitol workplace.

Given Senator Kruse's demonstrated inability to change behavior that has impacted so many women, the Senate has an obligation to ensure that now that this behavior is well known, it is stopped. As such, it should be addressed through a sanction of expulsion to be recommended by the Conduct Committee in order to comply with our harassment free workplace policy.

Under the policy, I am entitled to complain about events that took place in the last 12 months. I will detail my most recent experience, but want to highlight the history of this behavior and my response to it for greater context.

I first began experiencing unwanted and inappropriate physical contact from Senator Kruse while I was a member of the Oregon House of Representatives. I enjoyed a positive working relationship with Senator Kruse and respected his policy perspectives. However, I became increasingly reluctant to meet with him because he made physical contact with me in ways that made me uncomfortable. This included hugs in which he pressed his full body against mine, wrapping his arm tightly around me, kissing my cheek, or whispering in my ear. I would step away from these behaviors but was concerned that I would offend or embarrass him by discussing the behavior. I simply tried to avoid meeting with him unless absolutely necessary.



What I could not avoid was sitting at my desk on the House floor. On one occasion in 2011, Senator Kruse approached me from behind my seat at my House floor desk. He leaned forward from behind my back, and ran both of his hands and arms down my shoulders and across my breasts. He then crossed his arms over the front of my body and squeezed me in a hug with his hands on my hips. He then rested his head first on my head and then my shoulder. I was stunned and frozen. When he left my desk, a bystander immediately came to my desk to check on me and indicated their discomfort and dismay with what they had witnessed.

After this incident, I was even more cautious about meeting with Senator Kruse. During the 2013 session, I was called to the Senate to meet with Senator Kruse about a priority bill of mine that needed an additional vote. I expressed concern to my staff, Kris Skaro, about my discomfort in meeting with him because of the ongoing unwanted physical contact. We proceeded to have a discussion in which we weighed my discomfort with the meeting against how much I needed a vote to pass this bill to protect domestic workers from workplace abuse. I went to the meeting, but was frustrated that I had to put myself in a compromising position in order to try to pass legislation.

When I was elected to the Oregon Senate, I found myself in regular contact with Senator Kruse. During my first session in 2015, I shared three out of four of my committee assignments with him. I requested that the chairs of those committees not seat me near Senator Kruse. On the occasions when I was seated next to Senator Kruse, I experienced hugging, whispering that left my ear wet, and on at least one occasion he placed his hand on my thigh beneath the dais during the hearing. I did not document the dates of these hearings. However, I do know that during the interim Judiciary Committee meeting in the Spring of 2016, I came to the committee and found I was seated next to Senator Kruse. I took it upon myself to trade my nameplate with that of Senator Thatcher. On the video, it is clear that the normal pattern of alternating committee members by party is disrupted because I took this action to protect myself from unwanted touching.

During the 2015 and 2016 sessions, I also encountered Senator Kruse on the floor. He would come to my seat and lean in close to me. He would wrap his arms around me. He would whisper in my ear so closely that I could feel his tongue in my ear and my cheek and ear would be left wet. At one point during the 2016 session, Senator Kruse came and sat extremely close to me. He was seated to my right. His left hand was resting on the front of my left shoulder with his palm near my breast. His right hand was on my other shoulder, again with the hand positioned low so that his lower palm was resting on my breast. He leaned his face in very close to me and started speaking. I was frozen as it was a very intimate and unwanted pose. Senator Chris Edwards (who at that time had a floor desk to my left) came to my desk and intervened. He told Senator Kruse that he needed to speak to me urgently. Senator Kruse removed his hands and walked away. Once he did, Senator Edwards indicated that he did not need to speak to me, but instead wanted to intervene to stop the inappropriate behavior he was witnessing.

At this point I was quite frustrated with the ongoing unwanted touching. Senator Edwards's intervention was reinforcement to me that the behavior was inappropriate and outside the bounds of normal collegiality. I also realized I was changing my behavior at work. I was weighing my commitment to bills when determining whether or not to speak with Senator Kruse. I was taking stairways instead of elevators in order to avoid being with him in a small space, and as indicated above was trying to avoid being seated near him in committees. I instructed my staff not to meet with him, and that they were never to send interns to his office. This was to ensure I was protecting my own employees from harassment.

However, I had no way to keep myself out of his reach on the Senate floor. By the time Senator Edwards intervened, I was convinced that something had to change. After expressing my concern during a meeting, Betsy Imholt, the President's Chief of Staff, followed up with me. I told her I wanted the behavior to stop but was concerned about disrupting the chamber, causing embarrassment to Senator Kruse and myself and I was also concerned about the impact my coming forward would have on my relationships with others in the building. Betsy told me about the informal report process and as a result I met with Lore Christopher and Dexter Johnson. As the rule stated, I just wanted the behavior to stop.

During this process, I learned that at least one other Senator had made a similar complaint. After interviewing us, Dexter and Lore spoke with Senator Kruse about the complaints and briefed Senator Ferrioli and the Senate President's office about the problem. I was told that Dexter and Lore described the unwanted and offensive behaviors, and that Senator Kruse was told that he was not to touch or hug women at work. I was hopeful this would resolve the behavior.

Unfortunately, when I returned for the 2017 session, nothing had changed. There was another event on the floor that caught the attention of Senator Burdick. In this case, I was once again sitting alone at my desk on the floor working. Senator Kruse came to my desk. This time he wrapped his left arm around my shoulder, but he hung the hand over my shoulder so far that his fingers touched the scar I have from a cardiac device on my left breast. He was turned close towards me, and his right hand was positioned on my thigh such that some fingers were on top of my skirt and some were under the hem of my skirt (there was fabric between his fingers). He was pulling me close towards him and again speaking in my ear so closely that my ear was wet. Again, taken by surprise, I was frozen.

That is when I heard Senator Burdick come up behind me stating: "Senator Kruse, get your hands off Senator Gelser!" Senator Kruse did not immediately move his hands, but instead said, "What?" To which Senator Burdick responded: "I said, get your hands off Senator Gelser."

Senator Kruse backed off and responded something to the effect of: "Oh, she doesn't mind." I replied that "No, it actually makes me very uncomfortable to have someone touch me in that way and get that close."

It is important to note that this extreme display of unwanted touching occurred after Senator Kruse had already been advised that complaints had been made about his behavior and after he had attended multiple mandatory sexual harassment trainings.

What made all of this worse is that not only was I continuing to experience this behavior, but I was witnessing this happen to other women. I felt guilty when I watched other women experience this, but was unsure how to make it stop. These were not my employees, so I could not offer them the guidance and protection I was offering to my own staff. I was also dubious that there would be any constructive or meaningful outcome that would result from making an additional complaint. As an elected official, the only possible outcome was another warning from Counsel and HR.

I did not immediately report my ongoing concerns or the 2017 incidents because there had been no change in behavior following the prior intervention. As I started to hear from more and more women about the importance of speaking up and not accommodating this behavior in the workplace, I again spoke to Betsy Imholt. I expressed to her my concerns about the liability to the institution and our failure to provide a harassment-free workplace. She again pointed me to PR 27, and I filed another informal report. I became aware that several days after filing the report, another incident occurred with yet another Senator who had also previously asked him to stop touching her.

The investigation into my most recent report concluded this week. Clear and written direction has been given to Senator Kruse about the impropriety of his behavior. He has been warned, again, to stop touching women. I also appreciate that the results of this investigation were shared with Senator Ferrioli and the Senate President's office. I am deeply concerned that the investigation suggested that this is a pervasive problem and that Senator Kruse's conduct has impacted many women. It is my understanding that at least 15 women have disclosed unwanted touching or other behaviors from Senator Kruse that violate the harassment-free workplace rule. Unfortunately, most of these women do not experience the privilege or safety I do in filing a formal complaint. I cannot be fired. However, these young women may be concerned about the loss of job opportunities in the future if they are perceived as disloyal to a powerful figure in their party. Young staff members and interns are especially susceptible to this problem as their future success depends on relationships built on loyalty. It is inappropriate and unfair that they continue to be subjected to this behavior, and that the only way they can have this issue addressed is to come forward with their names and risk not only their careers, but also public humiliation and speculation.

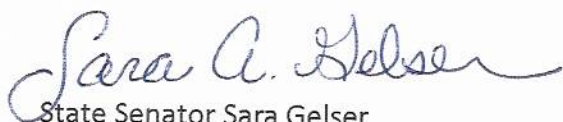
Because I spoke generally about problems with sexual harassment in the Capitol Building shortly before the Senate President took a disciplinary action against Senator Kruse, the press quickly connected the two circumstances. As a result, I have had the opportunity to see just how intimidating it would be for a lobbyist, an intern or a young staffer to come forward. I have watched online and in the media as my integrity, my body, my clothing, my sexuality, my personality and even the sensory characteristics of my intimate body parts have been discussed and debated. All of this happened simply because I clearly stated that I should be able to go to

work and not be touched without my consent. I am unwilling to force any of these other individuals to risk their careers or reputations in order to experience the safe and harassment-free workplace that we are obligated to provide. Further, it is hard to imagine that after all of this discussion, these women would see no change. I am fearful that a lack of meaningful sanctions issued by the Senate will only further discourage women from speaking up about their experiences of harassment at the Capitol in the future.

Despite all of this public discussion, Senator Kruse continues to publicly deny that he has ever behaved inappropriately. He has taken no accountability for his behaviors. He has publicly denied that he received explicit guidance from Dexter Johnson and Lore Christopher in 2016 about his unwanted behaviors. Perhaps even more concerning, the offensive behaviors have continued even after this issue became public. For instance, according to witnesses, he publicly urinated on a golf course at a caucus fundraiser in view of members and lobbyists just a few weeks ago. Further, Senator Kruse's admitted history of willfully violating the smoke-free workplace policy demonstrates that he is either unwilling or unable to comply with the professional standards of this workplace even when that conduct puts others' health at risk.

If I had been the only recipient of this misconduct, I would likely not file this formal complaint. However, I believe I am compelled to file this complaint under PR 27 which requires me to take prompt and appropriate action to ensure a harassment-free workplace. This is because the investigation into my most recent complaint revealed that Senator Kruse's behavior is a severe and persistent problem impacting many women in both parties. Senator Kruse has been given training, warnings and sanctions, but his behavior has not changed. Senator Kruse has not demonstrated a willingness or ability to change his behavior or to acknowledge the impact of his behavior on others when he has been advised to do so in the past.

As Senators, we are mandated to maintain a harassment-free workplace. It is my request that an independent investigator be appointed as per the rule to look carefully at the scope of this problem in the House and Senate with Senator Kruse, and that the Committee on Conduct recommend a sanction of expulsion from the Oregon State Senate.



State Senator Sara Gelser
Senate District 8