

POLITICS

Harassment suits, allegations of dismissiveness hang over Oregon Capitol

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The pall of workplace sexual harassment and disrespect at the Oregon Capitol reached a new intensity this past week, underscored by two new lawsuits, the demotion of two House members and signs that mediation between the Legislature and the state Labor Bureau is nearing a conclusion.

Meanwhile, Sen. Sara Gelsler, D-Corvallis, continued her call for an open conversation on the Senate floor about Capitol culture, and drew a comparison between the recent actions taken by House Speaker Tina Kotek, D-Portland, and the hesitancy to act by Senate President Peter Courtney, D-Salem.

Since allegations of sexual harassment and unwanted touching against former Sen. Jeff Kruse, R-Roseburg, became public in fall 2017, several lawsuits claimed (and two investigations concluded) that legislative leaders failed to protect employees after they knew about hostile work environments in the building.

Behind the camera: How Salem resident Don Rogers won his Oscar

Failing to act allowed a culture of tolerance toward harassment to fester.

"(Legislative leaders) expressed callous indifference to reports of Kruse's misconduct, and fostered an environment wherein complaints were discouraged with threats of retaliation, legal exposure, and negative career implications," the most recent lawsuit reads.

These charges parallel similar concerns raised against Courtney during his time as the affirmative action officer at Western Oregon University — and recently resurrected at the Capitol — according to a review of newspaper archives and public records, and interviews by the Statesman Journal.

Through their spokespeople, Courtney and Kotek declined to comment for this story because of the ongoing litigation.

Lawsuits against the Legislature

There are now no fewer than four lawsuits against Legislative leadership on grounds of sexual harassment or discrimination currently moving through the legal system dating back to fall 2017.

The most recent was filed Monday by two of Kruse's former interns.

Anne Montgomery and Adrianna Martin-Wyatt, who interned during the 2017 session, are seeking millions in damages from the Legislature for placing them in a situation that leaders should have reasonably known could lead to harassment, and then not addressing Kruse's harassment when it happened.

The Statesman Journal typically does not name victims of sexual abuse or harassment unless they choose to come forward publicly.

"Senior leaders and their advisers charged with protecting the Capitol work environment failed to prevent or remedy Kruse's conduct despite it being well-known for years, and despite the foreseeability of what happened to the plaintiffs," the lawsuit reads.

Kruse exhibited unwanted touching, closeness and inappropriate language to both interns, according to the lawsuit. These acts included: asking about their sex lives; wrapping his arms around them across their breasts; touching their hips; squeezing them so tightly so that they couldn't move; and talking to them nose-to-nose.

The lawsuit details the extent to which they went to avoid and counter Kruse's unwanted advances: Montgomery wore baggy clothes, stopped wearing makeup and trained herself to listen for Kruse's footsteps. Martin-Wyatt changed her work habits to not be standing near Kruse as often and eventually quit, losing out on course credit.

Both took actions to limit their contact with Kruse, including working some of their days in other senator's offices. But the lawsuit states that the harassment continued.

Kruse would eventually resign in February 2018, though he has continued to deny he harassed anyone.

Montgomery and Martin-Wyatt's cases play a key role in the Oregon Bureau of Labor and Industries investigation of Capitol culture released in January. It concluded legislative

leaders created a hostile workplace by allowing verbal and physical sexual harassment to continue unabated for years.

The parties decided to enter mediation to resolve the BOLI civil rights complaint.

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The point of filing the lawsuit was at least two-fold, according to the interns' lawyer Charese Rohny. The first was to help get their story out, the other was to make sure any future litigation wouldn't be derailed by the two-year statute of limitations on these claims.

"In order to make sure that they have rights, a lawsuit had to be timely filed," Rohny said. "It couldn't wait anymore."

As of Friday, mediation was ongoing and individuals connected with the discussions indicated it might soon reach a conclusion.

Participants in the mediation were required to sign non-disclosure agreements, which prohibit them from discussing the conversations or terms of any possible settlement.

Some details have emerged, however.

The most significant dialogue was a 14-hour session between representatives from BOLI, several harassment victims and legislative leadership on Feb. 5. The parties representing some of the victims left that session feeling positive about where the negotiations were headed, but that feeling has dissipated somewhat in the intervening weeks.

Individuals with knowledge of the mediation said they expected a settlement to be reached by now, and, in fact, the hope was to try to come to an agreement by the end of that first day.

The other recent lawsuit filed against legislative leadership is the second from Gail Stevens, a former lawyer for the Legislature.

Stevens alleges in her Feb. 15 lawsuit that Courtney and Kotek failed to protect her from retaliation by the legislature's top lawyer, Dexter Johnson, after she began "reporting and opposing unlawful and unethical conduct, mismanagement, abuses of power, gender discrimination, pay inequity and the mishandling of sexual harassment reports."

Some of these alleged retaliations stem from Stevens' disagreement with how Gelsler's harassment complaints against Kruse were handled internally.

This whistle-blower suit builds off her previous lawsuit from October 2017 that alleges that Johnson fired Stevens for "reporting mismanagement, opposing and reporting unlawful practices, discussing wages and opposing pay inequity."

The fourth suit in this vein currently open against legislative leadership is from Cheyenne Ross, a legislative policy analyst, who claimed she received far less in pay than her male co-workers. She filed a similar lawsuit in federal court several months later.

Police: Misconduct may cost Salem officer, Marion County deputy their certifications

Legislative demotions after outbursts

Despite Kotek being named in some of these lawsuits, lawmakers and staff in the building see some of her recent public actions against even members of her own party as a sign she is trying to actively improve the Capitol's culture.

On Thursday, Kotek removed Rep. Mitch Greenlick, D-Portland, entirely from the House Committee on Conduct and stripped him of his chairmanship of the House Committee on Health Care, which he had held since 2007.

During a committee hearing Feb. 19, Greenlick got into an argument with a pair of pharmaceutical lobbyists testifying against bill, which boiled over to the point of him calling them "stupid."

He later apologized, but Rep. Christine Drazan, R-Canby, took the opportunity in committee to challenge Greenlick on his behavior, which she considered demeaning and "absolutely inappropriate."

Greenlick accused her of showboating.

House Republicans formally called for his removal as chair later in the week, saying their members didn't feel safe with him in that position.

In an internal email to lawmakers, Kotek wrote that Greenlick had "made a serious mistake" in committee.

Kotek also removed Rep. Bill Post, R-Keizer, from the House Judiciary Committee for his actions on social media. Post received some national attention for a recent tweet where he called for the Oregon Firearms Federation to attend a lobbying day at the Capitol organized by Moms Demand Action.

In her email, Kotek said she and Post had previously talked about his use of social media and outstanding concerns members of the public had raised. Kotek also referenced a since-deleted tweet where Post singled out another lawmaker in her reasoning for removing him from the Judiciary Committee.

"The effort we are making to transform our workplace culture is complex and difficult. I do not take my responsibilities lightly and recognize the significance of these actions on the lives of my two colleagues," Kotek wrote. "Nonetheless, we must always strive to do what is best for the people of Oregon and the Legislature as an institution."

Her swift action earned her kudos from those in the building who have pushed for more responsiveness from leadership.

Kotek was in hot water earlier this year after the BOLI investigation quoted her as telling Gelser other lawmakers found her "unlikable." She quickly apologized for her phrasing, though she said she and Gelser were on the same side trying to find the best way to remove Kruse from office after the allegations against him surfaced.

During her remarks after being sworn in as speaker, Kotek addressed the problems of workplace harassment and lawmakers' responsibility to improve the building's culture.

"If anyone is sitting there thinking they are not the problem, I would ask that you catch yourself," she said.

It's that kind of acknowledgement that has so far been absent from the Senate.

"There has been no recognition from the dais on the Senate floor," Gelser said. "You can't fix problems if you can't talk about them, and we do not talk about these problems in the Senate."

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In many ways, Gelser has become the most vocal advocate for changing culture at the Capitol since her allegations against Kruse became public in fall 2017. She was the first complainant, though she was quickly followed by Sen. Elizabeth Steiner Hayward, D-Portland, who had similar stories about Kruse's unwanted touching and closeness.

But Steiner Hayward has chosen to be less publicly vocal about the need for change since she filed her formal complaint.

"Sen. Steiner Hayward believes in letting the overall process take place. Just as with her own complaint, she let the process unfold, and believes that her complaint was handled appropriately," Steiner Hayward's chief of staff Lizzy Atwood Wills wrote in an email.

Gelser has repeatedly called for a conversation on the floor of the Senate about harassment in the building. After a workplace harassment training by the U.S. Equal Employment Opportunity Commission on Feb. 5 upset many in attendance, Gelser took to the floor in frustration advocating for change.

"Whether it's Jeff Kruse or Al Franken or former Western professors Norm Eburne and Gary Welander, we must take responsibility for our collective role in enabling their behavior when we fail to act and listen to the people that are actually harmed," Gelser said. "When we do not intervene, dozens and dozens and dozens of further people can be harmed."

While Kruse and Franken are well-known figures in the #MeToo era, Eburne and Welander are less familiar. However, both were at the center of sexual harassment complaints in the early 2000s — complaints Courtney and the university were accused of disregarding.

According to newspaper articles from 2005, Eburne left the university sometime after the settlement against him in 2001, while Welander eventually gave up his tenured teaching position and retired from the university after a complaint against him in 2004.

Gelser declined to confirm or deny that her mention of Eburne and Welander on the Senate floor had anything to do with the professors' connections to Courtney.

"My point was that, no matter what the institution, harassment needs to be addressed head-on," Gelser said.

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Claims against Courtney from WOU

Courtney received significant criticism for his handling of sexual harassment complaints during his time as assistant to the president at Western Oregon University, a review of Statesman Journal articles from 2005 shows.

One case resulted in a \$110,000 settlement and was filed during the time Courtney also served as the university's affirmative action officer. In that role, he received complaints from

students about misconduct by faculty members.

Records show that Courtney held that responsibility until November 2001.

In December, student Leah Mangis received \$110,000 from the state.

She alleged school officials, including Courtney, were "deliberately indifferent" toward her complaint of sexual harassment by Eburne, according to a Statesman Journal article from Jan. 21, 2005.

Her lawyer, Martin Dolan, informed the university in July 2001 he intended to file a multi-million dollar lawsuit. The lawsuit was never filed.

In a letter to former university president Betty Youngblood, also in July, Dolan wrote: "Mr. Courtney told several of these former students that Mr. Eburne's conduct was sexual harassment and that Courtney possessed a large file of complaints that had previously been filed against Mr. Eburne for alleged acts of sexual harassment."

In the settlement, both sides agreed there was no proof of liability or fault for either Courtney or the university. Around the time the settlement was reached, Courtney discussed his retirement from the university and, in the interim, removing the responsibility of affirmative action officer from his job description.

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The job of affirmative action officer was transferred to another employee, though Courtney ended up staying with the university in a different capacity until 2014.

Courtney was also named in a sexual harassment lawsuit in 2005 against Welander brought by Rosemary Garcia. Courtney was dropped as a defendant within a couple weeks and the university eventually settled the case for \$65,000.

Beth Segal, a graduate student at Western, was one of the women who complained to Courtney about Welander.

Interviewed recently by the Statesman Journal, Segal recalled asking Welander to sign a form allowing her to add his class, to which he allegedly responded, "For a quickie, I will."

Segal, a former Salem-Keizer teacher who now lives in California, said she took her complaint about Welander to Courtney, whom she said tried "to brush me off ... like I was a fly in the ointment.

"It would have been so simple to tell me: 'I'll look into this. Thank you for telling me,'" Segal said.

George Cabrera, a retired Western professor, confirmed that Segal came to him upset about Courtney's response.

Months later, Segal had a follow-up meeting about the Welander complaint with Courtney, an attorney and then-university president Youngblood.

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