NEWS FROM THE OFFICE OF

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SENATE PRESIDENT PRO TEMPORE

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Senate Leader de León Announces Unprecedented Action to Tackle Sexual Harassment in Legislature

SACRAMENTO – California Senate President pro Tempore Kevin de León (D-Los Angeles) announced Thursday he is taking unprecedented steps to end a culture of pervasive sexual harassment in the Capitol by hiring two law firms with deep experience in investigating work-place misconduct and partnering with a respected non-profit that provides intervention services to abused women.

Chair of the Judiciary Committee **Senator Hanna-Beth Jackson (D-Santa Barbara)** also announced a series of hearings on sexual harassment policies in California.

"America is finally reckoning with entrenched inequities in our personal and professional relationships and in workplaces of every type," said Senator de León at a Capitol press conference. "Nowhere is this reckoning more important than in the halls of power – our political institutions."

Selected by a bi-partisan panel of Senators, a team of lawyers from the firms Gibson, Dunn & Crutcher and Van Dermyden Maddux have been retained for two years to conduct independent, thorough and prompt investigations into allegations against Senators, including Tony Mendoza (D-Artesia), and report their findings to the Senate Rules Committee.

Senator de León also announced the Senate has partnered with WEAVE, a well-known Sacramento crisis-intervention organization for survivors of domestic violence and sexual assault, to deliver around-the-clock assistance and counseling to victims of sexual misconduct.

Investigators and WEAVE will establish confidential hotlines for victims of sexual assault, harassment or other forms of abuse to call 24 hours a day, seven days a week.

Based in California, Gibson Dunn is a highly-regarded global firm with expertise in internal investigation. Leading their investigative team will be Benjamin Wagner who spent 24 years as a federal prosecutor in Sacramento and served as U.S. Attorney for the Eastern District under President Obama from 2009 to 2016.

Van Dermyden Maddux is a Sacramento employment law firm with a focus on investigations into workplace misconduct including sexual harassment and assault, retaliation, and whistleblower complaints. Senior partner Deborah Maddux – former Counsel to the University of California and FPPC attorney – will lead the investigative team from Van Dermyden Maddux.

The Senate contract with WEAVE is modeled after a successful partnership with Los Rios Community College District and will include the services of a trained advocate to provide trauma-informed counseling to Senate staff, including interns. All communications between the advocate and reporting individuals will

be held in strict confidence. No information will be shared with the Senate without the written consent of the reporting individual.

WEAVE will provide monthly reports to the Rules Committee on types of misconduct being reported and the hours spent with victims and meetings with the investigative team. The report will not include names or identifiable information.

WEAVE also will work with the California Coalition Against Sexual Assault (CALCASA) and the Senate Rules Committee to develop sexual assault and violence prevention materials and training for all members, staff and lobbyists.

"WEAVE has been the safe place for survivors of sexual violence to share their stories for 30 years," said **Beth Hassett, Chief Executive Officer of WEAVE**. "We applaud Senate pro Tempore de León and the Senate leadership for establishing this safety net for survivors that will ensure they have a safe place to disclose sexual violence and seek support and resources.

"This is a first step in changing the culture at the Capitol and creating a work environment that does not tolerate sexual violence, supports survivors and holds perpetrators accountable."

Also applauding the partnership with WEAVE was **Sandra Henriquez, CALCASA Chief Executive Officer.**

"CALCASA supports the California Senate in its efforts to improve sexual misconduct and harassment reporting by providing a professional Confidential Advocate to complainants," said Henriquez. "The local rape crisis center, WEAVE, has a long-standing history of serving the Sacramento area, and its collaboration with the Capitol is a thoughtful, trauma-informed response that supports survivors."

Senator de León also said he will continue to work with the Assembly to adopt a unified, bi-cameral approach "to ensure all legislative employees have the protections they need to feel safe and respected in their workplace."

Also on Thursday, **Senator Jackson** announced she will be scheduling a series of hearings beginning in January to examine California's legal standards and key legal questions surrounding sexual harassment in all industries.

"The goal will be to gain clarity about California's current sexual harassment laws and formulate possible legislation that ensures that perpetrators are held accountable, workplaces are free from harassment, victims can pursue justice, and due process is upheld," said Senator Jackson. "As we do important work confronting sexual harassment within the Legislature, it's also important that we take a serious look at our state's current laws in all work environments and the legal context for addressing such issues."

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BACKGROUND:
Information on Independent Investigators

The Rules Committee has retained a team of attorneys from the two law firms of Gibson, Dunn & Crutcher, and Van Dermyden Maddux to serve as independent counsel to investigate allegations of sexual harassment and similar misconduct involving members or employees of the State Senate. They will report their findings to the Rules Committee. These attorneys, who have been retained for a period of two years, will work together to conduct thorough, independent, and prompt investigations of allegations of misconduct.

This team has deep experience in conducting independent investigations involving sexual harassment and other sensitive matters. Gibson Dunn is based in California, but is a global, full-service law firm, with an international reputation for excellence. It is particularly well-known for its expertise in conducting internal investigations. The Gibson Dunn attorneys will be led by Benjamin Wagner, the managing partner of the firm's Palo Alto Office, who spent 24 years as a federal prosecutor, based in Sacramento. Before joining the Gibson Dunn firm, Mr. Wagner was the United States Attorney for the Eastern District of California. He was appointed by President Obama to that position in 2009, and served until 2016. The Gibson Dunn team will also include Rachel Brass, a partner in the San Francisco office, who is an accomplished litigator in the firm's nationally-renowned labor and employment practice group, and an adjunct professor at Berkeley Law School.

The Van Dermyden Maddux firm is a Sacramento-based employment law firm that focuses almost exclusively on investigations of workplace misconduct, including harassment, retaliation, sexual assault, whistleblower complaints, and other allegations of unprofessional conduct. They have handled a wide range of high-profile and sensitive matters involving alleged misconduct by high level officials and employees. The attorneys from that firm will be led by Deborah Maddux, the Senior Managing Partner. She is a legal expert in employment law and human resource management, and a certified EEOC investigator. Before starting her law firm, she was Counsel to the University of California, and also previously was an attorney at the California Fair Political Practices Commission.

California State Senate Partnership with WEAVE

WEAVE Background: WEAVE, a 501 c (3) is a non-profit established in 1978. WEAVE's mission is to build a community that does not tolerate sexual assault, domestic violence, and sex trafficking, and provides survivors with the support they need to be safe and thrive. WEAVE is the sole Rape Crisis Center for Sacramento County, the primary provider of services for survivors of domestic violence, and provides services for adult and child victims of sex trafficking. WEAVE operates an array of programs that ensure 24/7 crisis intervention and response, counseling, safe shelter, legal assistance, and school and community education.

Since 2015, the Los Rios Community College District (Los Rios) has contracted with WEAVE to serve as the district's Confidential Advocate for its students regarding issues of sexual violence and harassment. The WEAVE Confidential Advocate is a trauma-informed counselor that provides support and information about reporting options and the availability of resources such as counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, and other services on and off Los Rios' campuses.

WEAVE Partnership: The California State Senate is modeling its contract with WEAVE after the successful partnership between WEAVE and the Los Rios Community College District, including the services of a trained Confidential Advocate who provides trauma-informed counseling and is a recognized Sexual Assault Counselor and a Domestic Violence Counselor under California law. The Confidential Advocate will provide services to Senate staff (including interns) who reports misconduct by a Senator or Senate staff (including interns). Below are aspects of the contract:

Initial Phase

- Confidential Advocate ("Advocate"), employed by WEAVE. The Advocate will have minimum education and training requirements and supervision necessary to be considered either a psychotherapist or Sexual Assault Counselor under California law. The Advocate will be proficient in providing trauma-informed counseling. The Advocate's primary mission is to provide confidential assistance to persons who report they have been subject to sexual assault, harassment, or domestic violence including, but not limited to:
    - o Providing support, information, and referrals to internal and external medical and counseling services to the reporting individual.
    - o Upon request of the reporting individual, help report the matter to the police or the outside Senate investigator.
        - All communication between the reporting individual and the WEAVE Advocate will be privileged and not disclosed to the Senate without written permission of the reporting individual.

- How to Contact the Advocate. The Advocate will be available 24/7. The Advocate will have a cell phone and email that can only be accessed by the Advocate AND cannot be accessed by the Senate.

  - WEAVE will work with the Senate to promote and advertise the services. The Advocate will reach out to all Senate Capitol Offices and will provide contact information and materials. The Advocate will be visible in the Capitol building at least once a month to make Senate staff (including interns) aware of the Advocate's role and the services that are available.

    - For district offices, we will distribute informational materials and are exploring the development of a Webcast and information video to inform offices about the Confidential Advocate.

- Monthly Reporting. The partnership with WEAVE will include monthly reporting to the Senate Rules Committee, including the type of incidents (e.g., sexual assault, domestic violence, stalking, etc.); the hours spent assisting the reporting individual (i.e., attending court proceedings and/or medical appointments; meeting with the Senate's outside investigator).

NOTE – All reporting will be unidentifiable (i.e., names will not be used).

Second Phase

- Training and Materials. WEAVE will work in partnership with Senate Rules Committee to develop trauma-informed sexual assault and violence prevention training materials for all Senators and staff, including district office staff. WEAVE will also assist in delivering this training to staff.

  - Develop sexual assault and violence prevention training materials for lobbyists. WEAVE will also assist in developing training for lobbyists as part of their Ethics training.

  - Work with Senate Rules Committee to develop information for the Senate website, including training materials, policy, and information about the Advocate.

CALIFORNIA LEGISLATIVE WOMEN'S CAUCUS

Affected by Sexual Harassment?

Legislative Staff Sexual Harassment and Assault Resources

The Assembly and Senate have existing services available to staff as part of their employee benefits package. These services are free, confidential and do not require employer approval. These services are not limited to sexual harassment or assault.

COUNSELING:

Both the Senate and Assembly offer employees 7 sessions per type of problem, per family member, per year through the Employee Assistance Program (EAP) provided through Magellan Health. This means one "incident" can result in several problems or symptoms (anxiety, fear, sleep trouble, etc.) and each symptom is allowed 7 sessions. To access EAP:

- Visit your Senate/Assembly Intranet under Employee Benefits Tab. For Senate staff, this information is located in your Benefits Links under Miscellaneous.
- Calling **1-866-327-4762** and telling them your employee affiliation. Senate staff may be asked a company code which is: SOC and or group # which is: 1178
- Online at **http://www.eap.calhr.ca.gov** – Scroll down to "Get an Online EAP Referral" & click on "Choose Your Plan", then select "State of California Level 1", click on "GO" under the option that begins with "Calfire".

LEGAL:

The Senate and Assembly provide free access to limited legal services. Each plan participant is provided one sixty-minute office or phone consultation with a network attorney or mediator, per separate legal matter. Additional services are available at a 25% rate reduction. You can find a link to this service on your intranet under Legal Services which are provided by CLC. Or call CLC at 1-800-541-9701 and select Option 2 for Customer Service. Identify yourself and provide your staff affiliation and your Employee Number which can be found on your pay slip.

RAINN | THE NATION'S LARGEST ANTI-SEXUAL VIOLENCE ORGANIZATION:

800.656.HOPE (4673) Call the hotline to be connected with a trained staff member from a sexual assault service provider in your area. Calling the hotline gives you access to a range of free services including: confidential support from a trained staff member, support finding a local health facility that is trained to care for survivors of sexual assault and offers services like sexual assault forensic exams, someone to help you talk through what happened, local resources that can assist with your next steps toward healing and recovery, referrals for long term support in your area, information about the laws in your community, and basic information about medical concerns.

http://www.rainn.org

WEAVE™

Support Line: 916-920-2952
or Toll Free (866) 920-2952

All of WEAVE's services can be accessed by calling the Support and Information Line. 24-Hour Support and Information Line offers immediate intervention and support by trained peer counselors. Help is available in over 23 languages.

CALL 911 IF YOU ARE IN IMMEDIATE DANGER.

ASSEMBLY AND SENATE HR POLICY

If you have been subjected to conduct of a sexual nature that is not welcome, you may choose to speak directly with the person responsible for the conduct. This could be a quick and effective way to bring the offensive conduct to a halt. If you believe you are being sexually harassed or have been exposed to a sexually hostile work environment, you should bring the problem to the attention of one of the following people: your supervisor, the Member of the Assembly or Senate in whose office you work, a Compliance Officer, the Chief Administrative Officer, or any Member of the Rules Committee. If you receive a sexual harassment complaint or observe conduct in the workplace which you believe violates this policy, you should notify one of these same people. Complaints of sexual harassment should be reported as soon as possible after the incident or incidents have occurred. You are not required to notify your supervisor first, especially if your supervisor is the individual whom you believe is doing the harassing.