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Senate

State of Minnesota

Majority Leader Miller, Minority Leader Lopez Franzen, and Members of the Minnesota Senate Rules Committee,

The workgroup tasked with addressing the recommended changes to the Minnesota Senate Non-discrimination Anti-harassment (NDAH) policy, under the guidance of Chair Kiffmeyer, worked diligently and earnestly towards the goal of strengthening our policy to create a safe workplace for all at the Minnesota Senate. We would like to commend this group, both Senators and staff, for the thoughtful consideration that went into this work.

However, we strongly dissent in several areas where the recommendations were not heeded, and point out that the workgroup's hands were tied by our inability to get additional information from the independent investigator on the basis for the recommendations. While we strongly believe that this work should be done swiftly, it must also be done to the best of our ability. Our primary concerns with the policy changes before the Rules committee are as follows:

- Recommendation 12 was to remove the hearing process and add an appeal process. We added the appeal process, but the hearing process was left in despite our objections. This hearing process could clearly deter a person from reporting harassment out of fear of being dragged through a hearing, and being required to pay for an attorney to proceed with their claim. With the investigation and the appeal process, we feel the accused already will have the necessary protections.
- Recommendation 14 was the removal of the requirement for HR to disclose the name of the accuser to the accused. While the language was changed to state the HR Director must inform the accused of a complaint, it does not specify that the name of the complainant should be kept private. We believe that language should be strengthened to protect the complainant's privacy and prevent any potential retaliation.
- Recommendation 18 involves the need to determine how to ethically share data between the Senate, House, other branches of government, and political parties, in order to protect Senate staff. Senate staff engage regularly with these other entities and broader input is needed before a Senate policy is finalized. We urge the Rules Committee to empower the Senate to lead in this regard and consider convening a table that includes Senate, House, Executive branch, and political party personnel to discuss the issue.



- There should be a process for staff to provide feedback on the proposed changes prior to the Rules committee signing off. Creating a safe and supportive workplace for staff is the main point of our policy, and they should have a voice in helping us ensure it does that.
- The consensual relationship portion of the proposed recommendations needs additional work and would benefit from the insight of the investigator's reasoning for this recommendation.

The task of the workgroup as laid out to us was very narrow. We were to simply look at the recommendations put forward by the investigator and incorporate them into our NDAH policy. Our group worked confidentially in closed-door meetings, presumably, so we could fully discuss the investigation and basis for the recommendations. However, we were not given any access to the report, which contains information critical to the very purpose of the workgroup. Nor were we given access to the investigator to fully understand the reasoning for her recommendations, despite the fact that the contract between the investigator and the senate states that the investigator will remain available for debriefings and additional consultation as necessary after the report is completed.

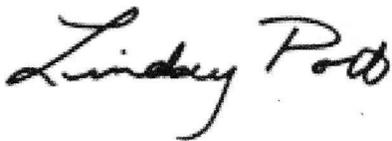
Given the foregoing, we respectfully ask the Rules committee to do the following:

1. Extend the deadlines set for for the working group and the Rules committee to act on this matter
2. Re-open the non-discrimination/anti-harassment working group
3. Provide the working group the investigative report
4. Provide that the working group the opportunity to speak with the independent investigator to understand the basis for her recommendations

We thank the workgroup for the strong commitment to creating a safer workplace in the Minnesota Senate, and ask the Rules Committee to recognize our obligation to continue this work in the most informed way practical.

Sincerely,

Senator Lindsey Port

A handwritten signature in cursive script that reads "Lindsey Port".

Senator Mary Kunesh

A handwritten signature in cursive script that reads "Mary Kunesh".