

April 27, 2021

Senate Committee on Judiciary and Ballot Measures 110 Implementation Chair Prozanski, Vice-Chair Thatcher, and members of the Senate Committee, thank you for providing the OACO the opportunity to testify on HB 2030.

Per Sen. Linthicum's request, below are the series of questions sent to the Oregon Advocacy Commissions Office regarding HB 2030 and the answers the OACO provided:

Section 8:

What is the purpose of dropping the charge of analyzing "legal" status? If not legal, then what status are we analyzing? Along with what metric?

It appears that the intent for deleting the specific adjective was to allow a broader analysis. While on its face, laws may be gender-neutral, the application, review, and/or reality may return disparate impact by gender identity. By allowing analysis beyond legal filter, inequity may truly be uncovered. Metrics would be determined by the form of analysis.

Can you please give an example of a law in Oregon where women and men do not have access to equal treatment under the law in the areas of civil rights, contracts, income, property and the family?

While no specific example arises, there are examples of disparate outcomes. One example is on average, women are paid a fraction of the wage of men in the same or similar position across industries despite equal pay laws. If the Commission were limited to the analysis of the legal status, it would be hampered from reaching the goal of equity in pay without regard to gender identity.

Why does the bill remove "duties"—do women have no societal, legal or other duties?

All genders have duties. Historical and to the present, women have assumed an inordinate number of duties. During this pandemic, women have taken the lion's share of childcare, schooling, and household duties. But the implementation of laws affecting legal duties are not where we find inequities. We find those inequities in the implementation of laws affecting legal rights.

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What is “equity in treatment”?

The phrase "equity in treatment" is not in the bill. However, if the question is what is equity in treatment? Equity can be defined as the quality of treating individuals fairly based on their needs and requirements. Equity ensures that all the individuals are provided the resources they need to have access to the same opportunities.

Women are 35% more likely to pursue higher education than men, and females outperform males from primary through university in grades and degrees achieved. In addition, women currently outnumber men by 15-20% across all institutions of higher education. Also, women vastly outnumber men in teacher training programs. Do you intend to achieve equality of outcome between genders? How do you envision the commission achieving this?

While women are more likely to pursue higher education and outperform men, they face continued double standards and despite achievement continue to be paid less, garner less support, mentorship, promotion, while working in often hostile work environments, enduring inappropriate advances, and having to constantly calculate their response against jeopardy of their livelihoods. Equality of outcome is not what is sought among genders. The ultimate objective is equity among genders, meaning that gender is no longer a consideration in the economic outcome of an individual Oregonian. Gender identity should not be a determining factor to the pursuit of life, liberty, and happiness. Oregonians regardless their gender identity ought to be able to pursue their dreams, support their families, and have happy and healthy lives. We envision the Commission having a hand at changing the status quo through its advice and counsel from Commissioners who can not only speak from their vantage points, but also with an ear within their communities. Sound persuasion, culture change, and the voice of Oregonians is how the Commissions work to bring equity.

Can you explain why the bill changes the word “sexist” to the word “gender” when referring to barriers in the educational process?

Acting Chair, Dr. Maura Kelly, Professor of Sociology at Portland State University, suggested the change from sexist to gender, nonconforming, and racist barriers. It is in the well-regarded opinion of this Sociologist that change would be more inclusive and address the several barriers over the one. There is an intersectionality in oppression and this change simply acknowledges this and allows the Commission to address all in partnership with the other advocacy commissions.

It is unclear whether “sexist” is being changed for “gender” *and* “nonconforming” or “gender nonconforming”. If it means “gender nonconforming”, there should not be a comma between the words. And if it is “gender nonconforming”, how then is “women” defined for the purposes of the law?

We are fans of the Oxford Comma. We would say gender, nonconforming, [comma] and racist barriers instead of gender, nonconforming and racist barriers.



Can you give an example of a nonconforming barrier in the educational process?

One example is dead-naming students and the hostility and refusal to identify students by their pronouns, dismissing and diminishing a student's self-worth which has a direct impact on their performance. Here are a few examples:

<https://time.com/5721482/transgender-students-pronouns-teacher-lawsuits/>

Why remove "community and family" from the language and then immediately follow it up with two references to work within the home?

In context, the phrasing "both in the community and in the family" is archaic and suggests that women have only two outlets in which to pursue a variety of roles, namely in the community and within the family. It is like the joke from the Blues Brothers:

Elwood: What kind of music do you usually have here?

Claire: Oh, we got both kinds. We got country and western!

Simply put, women are not limited and this limited phrasing should go away and will bring us one more step closer to equity.

Per Vice-Chair Thatcher's question on updating the term black to Black, Director Lee noted the distinction made with referral to the group of people known as Black versus the color black and made reference to the New York Times article on their change from black to Black. The link is

<https://www.nytimes.com/2020/07/05/insider/capitalized-black.html>

Per Vice-Chair Thatcher's question on the term equality to equity, Director Lee noted that equality referred to providing everyone the exact same resources, whereas equity involved distributing resources based on the needs of the recipient, ultimately noting that the objective was to address the needs and overcome the obstacles that motivated the creation of the commissions. Director Lee referred to this article:

<https://www.mentalfloss.com/article/625404/equity-vs-equality-what-is-the-difference#:~:text=Equality%20has%20to%20do%20with,the%20needs%20of%20the%20recipients.>

Another resource that may help to provide example is: <https://onlinepublichealth.gwu.edu/resources/equity-vs-equality/>

Per Chair Prozanski's question, the OACO Budget Proposal is under SB 5501 and the budget presentation was held with the Joint Subcommittee on General Government on March 3, 2021. Regarding the specificity of the request, the Agency Request Budget sought an additional 2.5 FTE to supplement the existing 2.5 FTE in order to better support the statutory mandates of the OACO under ORS 185.010 (5). The breakdown requested was 0.5 FTE OPA 3 to bring the current part-time researcher up to full-time; 1.0 FTE OPA 2 to assist in the backlog



of research and administrative work, and PAS 2 to assist the Executive Director in maintaining community partnerships and outreach.

The Governor's Recommended Budget returned with a recommendation of 1.5 FTE to include the OPA 3 and the PAS 2 positions, but not the OPA 2 position. During the budget presentation, it was noted that the current Executive Director just came on board two weeks prior and that in the previous three cycles additional staff support requests were made but have never materialized. It was further noted that while a 1.5 FTE increase would be helpful, it would remain insufficient to completely satisfy the statutory mandate of the OACO.

If the Committee has additional questions or if questions have not been sufficiently answered, the OACO would be happy to respond. Thank you.

