

HOUSE AMENDMENTS TO HOUSE RESOLUTION 1

By COMMITTEE ON CONDUCT

February 11

1 After line 1 of the printed resolution, insert:

2 “Whereas Article IV, sections 11 and 15, of the Oregon Constitution, direct the House of Rep-
3 resentatives to determine its own rules of proceeding and to discipline its members; and

4 “Whereas the House of Representatives adopted rules of proceeding when it convened in or-
5 ganizational session on January 11, 2021; and

6 “Whereas Legislative Branch Personnel Rule 27 is among the rules adopted by the House of
7 Representatives during its organizational session; and

8 “Whereas Rule 27 memorializes the commitment of the House of Representatives to promoting
9 a respectful and inclusive environment in the State Capitol and in any setting in which conduct has
10 the ability to create a Capitol environment that is intimidating, hostile or offensive; and

11 “Whereas Rule 27 similarly memorializes the commitment of the House of Representatives to
12 providing a safe and respectful workplace and to taking proactive steps to improve the culture of
13 the State Capitol so that behavior from any source that has a negative impact on the workplace
14 may be effectively addressed and resolved; and

15 “Whereas Rule 27 establishes standards of conduct applicable to the House of Representatives
16 that prohibit conduct that constitutes harassment or sexual harassment and that creates a hostile
17 work environment, and prohibits conduct that is retaliation; and

18 “Whereas legislative branch personnel received reports regarding the conduct of Representative
19 Diego Hernandez; and

20 “Whereas Rule 27 requires an independent investigator unaffiliated with the legislative branch
21 to be appointed to conduct an investigation and determine findings of fact relevant to the allegations
22 when a report is made concerning the conduct of a member of the House of Representatives and the
23 reported conduct, on its face, could violate Rule 27; and

24 “Whereas an independent investigator was appointed to investigate the allegations against
25 Representative Hernandez, and the investigator interviewed impacted parties and witnesses, inter-
26 viewed Representative Hernandez twice and examined written records; and

27 “Whereas the investigator prepared and submitted to the House Committee on Conduct a report
28 setting forth the investigator’s findings of fact concerning Representative Hernandez’s interactions
29 with five individuals; and

30 “Whereas the House Committee on Conduct conducted four days of hearings from February 1
31 to 4, 2021, at which the investigator presented the investigator’s findings, at which Representative
32 Hernandez, through counsel, presented for the committee’s consideration his views on the
33 allegations and on investigation and committee procedures, and at which impacted parties who
34 elected to testify were able to do so; and

35 “Whereas the House Committee on Conduct had opportunity to and asked clarifying questions

1 of the investigator; and

2 “Whereas after due deliberation, the House Committee on Conduct determined that Represen-
3 tative Hernandez’s conduct constituted 18 violations of the standards of conduct established for
4 members of the House of Representatives related to sexual harassment and workplace harassment,
5 involving three separate individuals; and

6 “Whereas the House Committee on Conduct held an additional hearing on February 5, 2021, to
7 deliberate on and recommend to the House of Representatives appropriate discipline of Represen-
8 tative Hernandez; now, therefore,”.

9 Delete lines 3 through 5 and insert:

10 “That we, the members of the House of Representatives of the Eighty-first Legislative Assembly,
11 find that Representative Diego Hernandez has engaged in disorderly behavior within the meaning
12 of Article IV, section 15, of the Oregon Constitution; and be it further

13 “Resolved, That with the concurrence of two-thirds of the members of the House of Represen-
14 tatives, Representative Hernandez be expelled from the House of Representatives and that Repre-
15 sentative Hernandez’s seat be considered vacant.”.

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