

**REPORT OF THE WORKGROUP
ON HARASSMENT, SEXUAL
ASSAULT AND MISOGYNY IN
NEW JERSEY POLITICS**

January 14, 2021

“Sexual violence is not innately a political or partisan issue, yet it disproportionately impacts women in the policy-making and political arenas. For this reason, this ad hoc committee of woman leaders in policy and politics will endeavor to lay a foundation for New Jersey to address the misogynistic culture that has made women's involvement in policy and politics unsafe and unhealthy. Together, we will address issues relating to power, control, coercion, silencing, retaliation, side-lining, harassment and assault. Together, we will seek to create policies, practices, and accountability mechanisms with a shared vision for a safer, more equitable New Jersey.”

*Mission Statement of the
Workgroup on Harassment,
Sexual Assault and Misogyny
in New Jersey Politics*

COVER LETTER

January 14, 2021

To Our Sisters and Brothers in Politics:

We came together earlier this year as an ad hoc workgroup, independent of government and political parties, to address the toxic culture of harassment, sexual assault and misogyny that has been, and continues to be, a reality for too many women working and volunteering in New Jersey politics.

We are diverse in our age, race, ethnicity, sexual orientation, our socio-economic class and where we grew up, and our career experience in political campaigns and party leadership, in state, county and municipal government, in lobbying and advocacy, in labor, business and non-profits.

We recognize that power and control is often at the base of the toxic culture for women in politics, and that the unwillingness of political and governmental leaders to endanger that power and control is the reason that so few women have the courage to complain publicly or even privately about misogynistic treatment, and those who do rarely receive justice.

We felt we needed to listen – impartially and without comment or judgment - to the experiences of women in politics, and incorporate their experiences and recommendations with our own to develop an agenda for change.

We held four public forums – two in person and two on Zoom because of the outbreak of the coronavirus – to provide an opportunity for those willing to publicly share their stories and personal experiences with misogyny, sexual assault and harassment, and to offer their thoughts and perspectives on how to shape policies and implement reform to create needed change.

It was not our role to adjudicate individual complaints or specific cases. It was not easy to sit in silence listening to some of the heart-wrenching testimony we heard, and we wiped away more than a few tears, but it was the best way to center the voices of those who were most personally impacted by misogynistic treatment.

Recognizing that some women would be uncomfortable speaking at a public forum for the same reasons they did not file a complaint about their mistreatment, we also hosted two closed-door listening sessions for those who wanted to share their stories privately and in full anonymity.

We met with leaders of the New Jersey State League of Municipalities and the New Jersey State Chamber of Commerce to discuss how reforms could be implemented at the League of Municipalities Convention and the Chamber’s “Walk to Washington” train trip that are two

particularly dangerous events for women, and rode the Chamber train in February to listen to attendees' stories.

We also participated in the development and distribution of an anonymous Survey on Misogyny & Sexual Misconduct in New Jersey Politics conducted by the New Jersey Coalition Against Sexual Assault. Because we were serving on the Workgroup, we also heard privately and individually from friends and colleagues, and sometimes from callers we didn't know, about their personal experiences.

We processed all of these learned experiences, the pain and despair of those whose lives were shattered and those who were too fearful to speak up. Into account in our findings and recommendations.

We would like to thank Star-Ledger/NJ/com reporters Sue Livio and Kelly Heyboer for their months of persistence seeking out women who have been victimized by New Jersey's toxic culture of misogyny, and the many women who had the courage to talk to them both confidentially and for publication.

Their December 29, 2019, article “#MeToo was supposed to fix things. But women in N.J. politics say they've been groped, harassed – and worse” brought us together as an ad hoc workgroup to seek ways to address the issues they raised – issues so many of us already knew all too well.

Our report contains our findings and recommendations on ways to change the toxic culture of harassment, sexual assault and misogyny that persists in New Jersey political campaigns, party organizations, and at the intersection of politics, government, lobbying and advocacy where traditional human resource policies and protections often do not apply or do not exist.

Our report also seeks to center the voices of those impacted by this toxic culture by providing a permanent record of the pain and powerlessness of those affected, the reasons they did or did not complain about mistreatment, and the challenges they faced in seeking justice. It is a herstory too often hidden and too rarely told.

Sincerely,

Loretta Weinberg
Sheila Oliver
Alison Accettola
Laurel Brennan
Elizabeth Coulter
Sonia Delgado
Rosa Farias
Jeannine LaRue

Sabeen Masih
Debbie Parks
Crystal Pruitt
Lisa Randall
Julie Roginsky
Christine Shipley
Patricia Teffenhart

**EXECUTIVE SUMMARY
AND RECOMMENDATIONS**

The Workgroup on Harassment, Sexual Assault and Misogyny in New Jersey Politics was formed to:

- assess the level, nature and causes of harassment, sexual assault and misogyny in New Jersey politics;
- endeavor to lay a foundation for New Jersey to address the misogynistic culture that has made women's involvement in policy and politics unsafe and unhealthy;
- address issues relating to power, control, coercion, silencing, retaliation, side-lining, harassment and assault; and
- seek to create policies, practices, and accountability mechanisms with a shared vision for a safer, more equitable New Jersey.

As in most states, politics in New Jersey is a male-dominated hierarchy where power and control are jealously guarded, where primacy of position is based on relationships, continuation of power is transitory subject to regular or party elections, and where loyalty is too often prized above all.

Municipal, county and even state political party organizations are small. Campaigns are ad hoc, ever-changing amalgamations of staffers and volunteers thrown together around the clock. And the real “business of government” too often gets done at an after-hours, unofficial intersection of politics, government, lobbying and advocacy that does not fall neatly into any structure.

Political parties and campaigns often have anti-harassment and anti-discrimination policies, and sexual assault is against the law. But few, if any, have human resource departments or Equal Employment Opportunity offices, and there is no Civil Service or union-negotiated grievance procedures.

Complaints or appeals need to be brought to party leaders, candidates or campaign officials whose chief fear is that the complaints will become public and be used by political rivals to challenge their continued power or by opposition candidates to damage their campaigns.

Harassment, unwanted sexual advances and sexual assault are intertwined with issues of power and control. It is those who are in a superior position in an organization, those who control promotions, nominations or raises, who feel empowered to press their advantage

As a result, those who are the victims of harassment, sexual assault or misogynistic behavior too often decide not to complain because the most likely outcome is that they will be side-lined or find their careers damaged, while their abuser will be protected and most likely continue the pattern with others in the future.

The choices faced by survivors of sexual assault are compounded by the problems faced by every rape victim in the criminal justice system, including the unacknowledged misogyny of police officers investigating their complaint and the reluctance of prosecutors to take “he said, she said” cases they might lose. In cases

involving politically connected defendants, there also may be an increased reluctance by law enforcement authorities to potentially make powerful enemies by pushing forward aggressively.

Changing the toxic culture requires changing the stakes and the political calculus for both abusers and the male-dominated political power structure, creating an independent investigatory mechanism outside the traditional power structure, protecting complainants against retaliation, and affirmatively changing the culture of politics through training.

We make the following recommendations:

1. **Create an independent investigative section under the jurisdiction of the Election Law Enforcement Commission(ELEC) with the authority to investigate allegations of harassment, sexual assault and discrimination in political campaigns, party organizations and at the intersection of lobbying and government whose financial practices they already regulate.**

This would enable those who do not feel comfortable filing complaints with party or campaign officials who are close to their alleged abuser to take their case to an independent investigative authority. Findings of abusive behavior should be made public and be subject to sanctions by ELEC, and criminal acts should be referred to law enforcement.

2. **State, county and municipal political party organizations and political campaigns should adopt and post an Anti-Harassment Policy that bars harassment, bullying and discrimination. For party organizations, the policy should contain meaningful sanctions for serious and/or repeated offenses up to and including denial of campaign funds, denial of endorsement for elected or party office, and denial of the right to run under the party organization line in primary campaigns.**

The policy should apply to officials, staffers and volunteers at work, in the field and at work-related events and parties, and should require officials with supervisory authority to report violations to the individual or individuals charged in the policy with receiving and investigating complaints. The policy should bar retaliation, including side-lining, demotion, denial of advancement or unfavorable work assignments, against staffers or employees who turn down advances and/or make complaints. The policy may include an informal complaint resolution process that brings both parties together to attempt to resolve issues of misbehavior, but the complainant should have the option to request an immediate formal investigative review process by ELEC if desired. The policy should include an appeals process if either party is dissatisfied with the outcome of the investigation. The policy should be posted publicly and given to all staffers and volunteers. A sample policy developed in consultation

with the New Jersey Coalition Against Sexual Assault is included as Appendix D.

3. **Require anti-harassment training for all elected and party officials, candidates, consultants, staffers and volunteers.**

Training is a necessary step to change the culture and to create a safer, more equitable environment where harassment, sexual assault, discrimination and a “boys will be boys” attitude are less likely to flourish. Training should emphasize the responsibilities of bystanders to intervene and protect those who are in vulnerable situations. Model training programs developed by the New Jersey Coalition Against Sexual Assault and other responsible entities should be implemented, and provisions should be made to provide at least on-line training and consultation with supervisors outlining rights and responsibilities for new hires and volunteers.

4. **Prohibit non-disclosure agreements, mandatory arbitration clauses and other practices designed to keep complaints and their resolution secret.**

While New Jersey state law now bars non-disclosure agreements, it is important to ensure that new mechanisms designed to silence complainants in the future do not replace NDA’s.

5. **Ensure that the New Jersey State League of Municipalities and New Jersey State Chamber of Commerce follow through with reforms developed for League of Municipalities Convention and “Walk to Washington” Chamber Train Trip.**

Both the League and the Chamber met with representatives of the Workgroup and adopted a series of reforms designed to address the toxic climate for women at their premier annual events. Members of the Workgroup monitored the Chamber’s implementation of these reforms in February, including a ban on hard liquor on the train, website notices and public announcements to attendees of its anti-harassment policy for participants, and establishment of an 800-number to report complaints. Cancellation of this year’s League convention due to the coronavirus outbreak delayed implementation of similar safeguards. The League needs to take an active role in ensuring anti-harassment training for municipal officials.

The Workgroup also heard testimony from Katie Brennan, the campaign staffer whose allegation of sexual assault led to hearings by the Legislative Select Oversight Committee, and from other survivors about the failure of the criminal justice system to respond to sexual assault complaints.

In response to that testimony, Senator Weinberg and Assembly Deputy Speaker Valerie Vainieri Huttle spent several months working with Ms. Brennan, the New Jersey Coalition Against Sexual Assault and Supreme Court Chief Justice Stuart Rabner to develop a series of criminal justice reforms that would protect the rights of survivors.

We endorse enactment of the following legislation passed unanimously by the New Jersey Senate last month (see Appendix E):

1. **S3070/A4884**: Establishes a three-year “Sexual Violence Restorative Justice Pilot Program” in North, Central and South Jersey to bring survivors and their abusers together to seek collective healing solutions outside the judicial system.
2. **S3071/A4885**: Requires law enforcement authorities to provide victims of sexual assault with the police report on their complaint, and provide victims with the option to review the police report before it is filed and state whether they agree or disagree with information contained in the report.
3. **S3072/A4886**: Requires the Office of Victim-Witness Advocacy and the county prosecutor’s office to share an information packet with victims of sexual assault explaining their rights and relevant laws, the criminal justice process, available counseling and other services, phone numbers for updates on their case, and contact information for both the prosecutor and the Office of Victim-Witness Advocacy.
4. **S3073/A4887**: Establishes the right of victims of sexual assault to be notified of decision by county prosecutors on whether to file charges prior to notifying the alleged perpetrator, and providing victims with the opportunity to consult with prosecutors before plea deal negotiations are concluded.
5. **S3074/A4888**: Requires the state Attorney General to audit sexual assault cases and issue an annual report to the Governor and Legislature, including statistics on reports/complaints filed by victims, referrals to county prosecutors, cases declined to be prosecuted, indictments or charges, downgrading of charges, plea agreements and police reports.
6. **S3075/A4889**: Establishes sexual violence liaison officers with specialized training in the Division of State Police and local police departments to serve as the in-house expert and primary point of contact on sexual violence cases, provide training to other officers, and monitor station compliance with the law and other directives.

7. **S3076/A4890:** Requires training for county prosecutors and assistant prosecutors every three years on how to handle, investigate and respond to reports of sexual assault, including training in restorative justice.
 8. **S3078/A4892:** Codifies into law the State Workplace Anti-Harassment and Discrimination Policy, including training requirements, reporting requirements for supervisors and standards for investigation and disposition of discrimination and harassment complaints.
-

THE #METOO REPORT THAT ROCKED NEW JERSEY POLITICS

On Sunday morning, December 29, 2019, New Jersey awoke to an explosive investigative report in the *Star-Ledger* and *NJ.com* by Sue Livio and Kelly Heyboer that detailed a toxic culture of harassment, sexual assault and misogyny in New Jersey politics.

“#MeToo was supposed to fix things. But women in N.J. politics say they’ve been groped, harassed – and worse,” the headline proclaimed.

Stories about sexual assault and harassment were not new.

National headlines had been dominated for years by the trial of Hollywood mogul Harvey Weinstein, the allegations against Roger Ailes and the Access Hollywood tape that rocked Donald Trump’s 2016 campaign.

In New Jersey, Katie Brennan’s allegation that she had been sexually assaulted by a fellow staffer on the Murphy for Governor campaign, and that top officials on both the Governor’s Transition Team and in the Administration had ignored her complaints, set off months of investigations, including the creation of a Legislative Select Oversight Committee that held months of hearings.

Those legislative hearings had been limited to the Brennan case.

What was different about the *Star-Ledger/NJ.com* report (see Appendix A) was that it focused on how harassment, sexual assault and misogyny are so deeply ingrained in the political culture of New Jersey that “every woman in New Jersey has a story to tell.”

The stories were told by campaign staffers, political operatives, legislators and lobbyists. Women who were established in their careers allowed their names to be used; those still in elective office and young women early in their careers would only speak on condition of anonymity.

The article was replete with stories of groping, improper advances and sexual assaults at the annual League of Municipalities convention and at the Chamber of Commerce's "Walk to Washington" train ride, and about the casual indifference of men on campaigns to demeaning harassment of women staffers that made it clear that women would have to cope on their own in a hostile workplace environment.

One young lobbyist who spoke anonymously and said she had been harassed, propositioned and sexually assaulted, but did not report it, explained, "I am only more convinced I did the right thing after I saw what happened to Katie Brennan. She put herself out there and did everything she could. She got no justice and got completely eviscerated. All for what? The emotional toll of being invalidated? I just don't think I would be able to do that."

For women in New Jersey, putting up with groping, unwanted propositions – even sexual assault -- was the entry price for participation and advancement in the world of government and politics.

CREATION OF THE WORKGROUP

Within hours after the #MeToo article was posted on the NJ.com website, Senate Majority Leader Loretta Weinberg began reaching out to women leaders to form an ad hoc committee to look into ways to change the toxic culture that women face in New Jersey politics.

The women that Senator Weinberg initially contacted and those who were added later from the dozens who reached out to volunteer to participate in the effort felt strongly that the political system itself and the male-dominated power structure that is its bedrock in New Jersey is part of the problem.

For that reason, and to stay insulated from political pressure from that power structure, the newly formed Workgroup on Harassment, Sexual Assault and Misogyny in New Jersey Politics decided to operate completely outside of state government and the political parties.

Unlike the Legislative Select Oversight Committee that probed the handling of the Katie Brennan allegations, this would be an informal process with no negotiations with governmental or political leaders over the scope or topics to be covered.

Members of the Workgroup would not be split into Democratic and Republican members who would ask leading questions of witnesses for perceived political advantage. In fact, there would be no questions at all. There would be no interrogation of witnesses by the panel, and there would be no public comment on the views expressed.

The Workgroup's public forums would offer an opportunity for women – and men – to testify on their personal experiences with harassment, sexual assault and misogyny and to provide recommendations on the best ways to create positive change.

In addition to the public forums, the Workgroup would host private listening sessions where those who wished to discuss their experiences and make recommendations anonymously could do so without fear of public exposure.



NEW JERSEY SPOTLIGHT

Senator Loretta Weinberg announces the formation of the Workgroup on Harassment, Sexual Assault and Misogyny in New Jersey Politics at a January 22, 2020 news conference in Newark. Listening are members Elizabeth Coulter, Laurel Brennan, Sheila Oliver (behind microphone) and Sabeen Masih.

Complementing the Workgroup’s public and private listening sessions would be an on-line Survey on Sexual Harassment & Misconduct in New Jersey Politics whose results would be issued by the New Jersey Coalition Against Sexual Assault (NJCASA) in August (see Appendix C). The Workgroup reviewed the survey prior to issuance, made recommendations for additional questions, and publicized the survey.

The Workgroup would function independent of the process that Governor Murphy had convened under the direction of the Civil Service Commission to take a “whole of government” approach to the same issues in the wake of the findings by the Legislative Select Oversight Committee that criticized the response of his transition team and Governor’s Office to the Katie Brennan allegations.

Civil Service Commission Chair Deirdre Webster Cobb would testify before the Workgroup on her group’s recommendations at the second Workgroup hearing, and they would be considered for inclusion in the Workgroup’s recommendations.

But the members of the Workgroup rejected the argument that its recommendations should focus similarly on a “whole of government” approach.

We did so because we recognized from our personal experience and from the stories told by women legislators, lobbyists, campaign staffers and those who lived “inside the Beltway” of

Trenton government and in the netherworld of political campaigns that politics is different from the “whole of government” or from the corporate or labor world, for that matter.

Because politics is different, solutions would require a totally different approach.

While state and local governments, school districts, corporations and labor unions have human resources departments, anti-harassment policies and Equal Employment Opportunity officers to which survivors can file complaints or appeal for help, political campaigns are ad hoc organizations staffed largely with volunteers and put together hurriedly in a matter of months with little or no human resources infrastructure.

Political campaigns, political parties and the elected officials who lead them have every incentive to treat complaints of harassment, sexual assault or misogyny as political problems to be “handled” internally – to be hushed up before they can damage the public images of the officeholder or candidate whose political future depends on the public’s favor at the ballot box.

Similarly, politics “inside the Beltway” in Trenton where elected officials, party leaders and political operatives, lobbyists and advocates intersect in an ever-changing network of personal connections at after-hours political fund-raisers and private dinners operates by its own rules – outside the human resources protections that are available to deal with misconduct that involves two people from the same state government office or business or lobbying firm.

It is a male-dominated world where women have to learn how to watch out for themselves, how to draw lines, how not be the “difficult woman,” the one that the powerful “wouldn’t want to deal with” because “she complains about something that happens all the time,” as the young lobbyist told the *Star-Ledger/NJ.com* reporters in explaining why she didn’t come forward to complain about her rape or other sexual harassment.

AN OBJECTIVE LESSON IN #METOO POLITICS FROM ILLINOIS

The Illinois Anti-Harassment, Equality and Access (AHEA) panel, which had issued its report in September 2018, posed both an object lesson in the response the Workgroup would face from the political power structure, in the issues we would encounter, and in the difficulties of achieving meaningful reform.

Like the Workgroup, the Illinois AHEA panel -- which was made up of State Comptroller Susana A. Mendoza, state Senator Melinda Bush and state Rep. Carole Ammons – decided to operate outside of state government, setting up its own non-partisan organization and self-selecting its membership independent of the state’s political power structure.

Just as the Workgroup could not escape the fact that many political leaders would view its work and its ramifications through the prism of the Katie Brennan case and the Legislative Select Oversight Committee hearings that followed, the Illinois panel could not escape the political furor that had preceded it or the one that would erupt during its proceedings.

Powerful House Speaker Michael Madigan formed the Illinois panel after Alaina Hampton’s allegations of sexual harassment against Madigan aide Kevin Quinn, brother of influential Alderman Marty Quinn, forced Quinn’s firing. Hampton’s allegations were just the beginning of a series of #metoo allegations that rocked Illinois politics. Madigan was forced to fire a second aide for bullying and sexual harassment two days after he announced the panel. Madigan’s chief of staff, Tim Mapes, who also served as executive director of the state Democratic Party and clerk of the Assembly, would later be forced to resign all three posts after allegations of sexual harassment and bullying.

The Illinois AHEA panel held six public listening sessions across the state and provided an opportunity for women to participate in an anonymous survey – an initiative that the New Jersey Coalition Against Sexual Assault was already preparing to undertake prior to the creation of the Workgroup.

The resulting report, “Advancing Women in Politics and Addressing Sexual Harassment in Political Campaigns,” clearly laid out the toxic climate of harassment, sexual assault and misogyny faced by women in Illinois politics.

“Sexual assault is not a Republican or Democratic issue. It’s a human issue,” Rep. Ammons declared. “What does the current climate teach women and girls about coming forward to speak about their victimization? Death threats, suspicion, ridicule and scorn. Motives questioned and credibility attacked. This is the culture that needs to be eradicated. The victims should not be on trial. We must foster an environment where survivors will feel safe, heard and secure.”

It was a sentiment with which all members of the New Jersey Workgroup could wholeheartedly agree.

When Speaker Madigan tried to get ahead of their reform efforts by introducing his own package of legislation – a set of bills that the IHEA panel considered to be clearly inadequate – Senator Bush and Rep. Ammons decided to write their own package of bills.

Their reform legislation met with near-universal acclaim from advocates and the media. It passed overwhelmingly on a bipartisan basis in the Illinois State Senate. Speaker Madigan made sure it never came up for a vote in the Assembly.

It was an objective lesson that the Workgroup wants to make sure is not repeated in New Jersey.

CREATING A FIREWALL BETWEEN THE WORKGROUP AND THE MALE-DOMINATED POLITICAL ESTABLISHMENT

Membership in the Workgroup evolved in the three weeks that followed publication of the *Star-Ledger/NJ.com* story. Senator Weinberg reached out the afternoon the story appeared to three women she knew well who had been quoted in the *#MeToo* story who would bring diverse expertise and were fully established in their careers and would be immune to political retaliation for their participation.

Democratic strategist Julie Roginsky was one of the women who sued Fox News in 2017, charging that the network's founder, Roger Ailes, had sexually harassed her and retaliated against her when she rejected his advances. Roginsky had co-founded the nonprofit Lift Our Voices to push to ban non-disclosure agreements that keep sexual harassment cases secret.

Jeannine LaRue, senior vice president with the Kaufman Zita Group with 40 years of experience in government, business and non-profits, was the woman who said a state assemblyman had tried to trade a vote for sex.

Patricia Teffenhart, who serves as executive director of the New Jersey Coalition Against Sexual Assault, the state's leading advocacy group providing support to survivors of sexual abuse, was already working on a survey on sexual assault, harassment and misogyny in the public arena.

Senator Weinberg announced the day after the story broke that she would be forming an ad hoc committee to investigate the issues raised in the article. In addition to Roginsky, LaRue and Teffenhart, she asked Senate Majority Counsel Alison Accettola, who had staffed the Legislative Select Oversight Committee that investigated the Brennan case, and Christine Shipley, executive director of the Senate Minority Office and the ranking woman staffer in the Legislature, to serve on the panel.



NORTHJERSEY.COM

Lt. Gov. Sheila Oliver speaks at the opening press conference announcing the workplan for the Workgroup on Harassment, Sexual Assault and Misogyny in New Jersey Politics. Listening are Workgroup members Sabeen Masih, Patricia Teffenhart, Julie Roginsky and Jeannine LaRue.

Accettola and Shipley were being added for their expertise and agreed to serve with the proviso that they would not discuss any of the ad hoc committee’s work with other legislators or legislative staff, including those to whom they officially reported – a requirement of confidentiality that would extend to everyone who joined the group.

Following Senator Weinberg’s announcement, numerous women reached out both publicly and privately to volunteer to serve on the Workgroup, and both the Governor and various advocates provided lists of names for consideration.

Nine additional members were ultimately invited to join the Workgroup based on the diversity of experiences and perspectives they would bring to the issues of harassment, sexual assault and misogyny faced by women in New Jersey politics.

Lieutenant-Governor Sheila Oliver, who was also the first woman to serve as Assembly Speaker, was the only other top elected official invited to join the group, reflecting the desire of the group for its work to be conducted largely outside government.

Other longtime veterans of New Jersey politics added were Laurel Brennan, secretary-treasurer of the New Jersey State AFL-CIO; Sonia Delgado, partner in the Princeton Public Affairs Group; Rosa Farias, deputy executive director of the Casino Reinvestment Development Authority; Debbie Parks, International Vice-President of AFSCME, and Bergen County Improvement Authority Commissioner Lisa Randall, a former Republican assemblywoman.

Three women still in the early stages of their careers in and around New Jersey politics were added to offer insights into what young women face today, similar to the perspectives of the young women interviewed in the *Star-Ledger/NJ.com* articles who refused to allow their names to be used for fear of retaliation.

Elizabeth Coulter, director of public health for the Planned Parenthood Action Fund of New Jersey, had worked on gender-based violence prevention issues as deputy director of the state Health Department's Office of Women's Health. Sabeen Masih serves as vice president of public affairs for Capital Impact Group, Crystal Pruitt was then serving as a Franklin Township councilwoman and as chief of staff to Assemblyman Andrew Zwicker.

Senator Weinberg said she intentionally did not reach out to top state governmental and political leaders for recommendations. "We wanted to create a 'firewall' between the panel and the state's male-dominated political power structure to assure women that we would truly be independent, that their voices would be heard, and that their confidentiality would be respected," she said. Less than a month after the *Star-Ledger's* #MeToo article appeared, the members of the workgroup held a press conference in Newark on January 23 to announce its plans to "develop strategies to help ameliorate the toxic culture for women in politics in New Jersey" and to provide an opportunity for women's voices by heard.

One of the first voices heard was Sabeen Masih, the young lobbyist selected by her fellow workgroup members to speak about what it is like for young women to try to navigate the toxic climate of New Jersey politics

"In today's political environment, there are defensive steps we must take in order to protect ourselves," Masih said. "We create group texts to check in with our colleagues at conventions and conferences. We never walk alone or accept drinks from anyone but ourselves. Our guard is constantly up and we have to evaluate if one more event, one more connection, one more part of our night is worth walking into the unknown."

Over the next seven months, women's voices would be heard at public forums held in person and on Zoom, on the Chamber of Commerce train trip, in private listening sessions, in interviews on TV, radio, newspapers, websites and social media, in their responses and comments to a poll on sexual misconduct in New Jersey politics, and legislation would be developed to give survivors a better chance to be heard in the legal, governmental and political systems for years to come.



VOICES HEARD

The public forums provided an opportunity for women to describe the toxic culture they faced on the inside of New Jersey politics and its impact on their lives, and the chilling effect that culture has on women's decisions about whether to put up with that misogynistic culture as a price of staying in politics

Equally important, it provided an opportunity to make specific recommendations for change that shaped the Workgroup's recommendations for changes that need to be made within government, political parties, campaigns and the legal system to begin to improve the lives of women in politics.

Amanda Richardson, the 35-year-old Harding Township Democratic chair who was the first speaker at the first hearing in Fort Lee, epitomized the challenges faced by women entering a political world that is still a "boy's club" in the backrooms and bars where business gets done

As an international women's rights lawyer, Richardson said she had a decade of experience navigating the sexual politics of the man-dominated world of international development. "I felt pretty sure I had a handle on those things, which is why I was shocked by what I found when I first got involved in local politics three years ago," Richardson said.

"A lot of being a woman in politics seems to me to involve walking a line between being fun and flirty, someone the men who still seem to be the majority of those in charge wanted around and didn't see as a buzzkill and being serious and staid enough that those same men didn't make assumptions about where the night was leading," Richardson said.



NEW JERSEY HILLS MEDIA GROUP

Amanda Richardson, chair of the Harding Township Democratic Committee, testifies about sexual harassment, including texts and Facebook messages that implied or suggested sex, and being propositioned and groped at the League of Municipalities convention.

“I heard stories of harassment and questionable sexual encounters, and on more than one occasion I witnessed both in person and online harassment. I saw women flinching away from men who continued unwanted touching. I received texts and Facebook messages that implied or outright suggested sex, and I read texts, Facebook messages, Snapchats and emails to other women that were worse than I had received. I was propositioned and groped at the League of Municipalities convention.”

Richardson was the most forthright in being willing to speak publicly about her personal experiences.

One young woman, whose request not to be identified was honored by the media, also spoke about being groped, harassed, propositioned and verbally abused, but said she knew she could not continue to work in politics if she spoke up or complained. Part of the problem was the uneven power relationship. “I remember thinking, ‘I’m 18 and they’re men in their late 50s. No one is ever going to believe me,’” one woman said.



NORTHJERSEY.COM

Patricia Teffenhart, executive director of the New Jersey Coalition Against Sexual Assault, which helped staff the listening sessions, wipes away a tear as she listens to the testimony of a woman who asked to remain anonymous. Listening are Workgroup members Alison Accettola and Sonia Delgado,

Another woman, who also asked not to be identified, described how her male running mate in a legislative race insulted her intelligence publicly and would put his arm around her lower back or waist against her will, but she was told by party leaders she was overreacting and that she had to apologize to him for complaining because he raised more money than she did.

“I can assure you I do not overreact when someone touches my arm. I wonder for how long or how much we are expected to remain silent,” she said, adding that if political parties want young women and women of color to run for office, they need to do a better job vetting candidates because of “the implications this has for a power imbalance and resulting opportunities for abuse.”

Sally Avelenda, the executive director of the state Democratic Party who entered politics as a volunteer for 11th for Change, said, “As a Latina woman in politics, in these last few years, I have seen the same dynamics at work, from the men who make off-hand lewd remarks and expect nothing in return, no accountability, to the men and women who use the political system



NEW JERSEY HILLS MEDIA GROUP

Sally Avelenda, executive director of the New Jersey Democratic State Committee, speaks to issues of racism and bias that women of color encounter within the patriarchy that rules New Jersey politics.

as a weapon for their narrow personal and professional agendas at the expense of others, to the men and women of incredible privilege who silence the voices of their black and brown sisters because it is uncomfortable for them to acknowledge their own racism and biases within the patriarchy that we all operate in.”

Deb Cornavaca, deputy chief of staff to Governor Murphy, said, “We must move beyond the current framework which implicitly affirms men who hold power are implicitly more powerful.”

Liz Foley, director of online content for Action Together New Jersey, a grass-roots political organization, focused specifically on the impact of New Jersey’s political structure, where powerful county political party chairs control the political future of candidates by determining who gets to run on the party line in primaries, in perpetuating misogynistic power dynamics to the detriment of women in politics.

“As someone who is new to New Jersey, I really do want to be clear that this sort of toxic atmosphere exists in a lot of places. But it’s real special in New Jersey,” Foley said, asserting that women entering politics through county committees found that they were bullied into submission. “They took their seats and they were immediately ordered how to vote, told what to think and not to ask questions, told that if they did anything, stepped out of line, they would be removed from the committee.”

The key is to create a “see something, say something” culture where women feel free to publicly come forward, said Helen Archontou, CEO of the Bergen County YWCA which oversees a sexual violence resource center.

But Melissa Grace Hallock, a political activist in Montclair, said the problem with the way political power is wielded is that there are no clear channels to report problems of abusive behavior.

Cornavaca emphasized the need to take what Governor Murphy has called a “whole of government approach” to dealing not only with issues of sexual misconduct and misogyny, but all types of discrimination and bias in all spheres of New Jersey society. Avelenda promised to create new independent mechanisms for reporting misconduct, harassment or abuse of any kind within the Democratic Party structure.

Richardson called for political parties and campaigns to adopt anti-harassment policies and mandatory sexual harassment training to “make sure that everyone, even older men, understand the standards of consent. And I want to point out I am talking about enthusiastic consent.” The anti-harassment policies should include clear reporting requirements and dispute resolution mechanisms within the parties and campaigns.

But Richardson said it was also important to create an independent body to investigate allegations of sexual abuse, harassment or misconduct outside political party or campaign organizations. She asserted that it was too much to expect political parties or campaigns to police their own behavior, particularly in the heat of an election season in which party leader fears of negative publicity would almost inevitably create internal pressure to suppress information until after the election, no matter how independent a party reporting mechanism appeared to be on paper.

Cornavaca also called for the creation of an independent reporting mechanism that would be “safe” for complainants and for the creation of meaningful consequences for those found to have been abusive in their behavior.

She said state officials were researching policies that “promote equity and inclusion in the workplace,” including “new content and new approaches to implementing essential training.” But she added, “I think we have to acknowledge that if current sexual harassment and discrimination trainings were sufficient, we would not still be mired in decades-old problems.”

Fran Ehret, a Communications Workers of America staff representative, said during the forum she felt bullied by Senate President Steve Sweeney a decade earlier during a contentious meeting over public employee pension and benefit reforms. “The Senate president stood up, pointed his finger at me and he said, ‘If you were a man, I would take you right outside now and kick your ass. When a man who is so much bigger than you, towers over you and threatens you with violence, that is not OK. That is sexism. And that is abuse of power.’”

NEW JERSEY SPOTLIGHT

Fran Ehret, staff representative for the Communications Workers of America, testifies that she felt bullied by Senate President Steve Sweeney. She received an apology the next day.



To Ehret’s surprise – and in a sign of cultural changes brought about by the #MeToo movement – Sweeney, who had initially dismissed her complaint the night of the public forum, apologized the following morning, saying he did not recall the incident the same way, but would not dispute her statement. “I extend my unequivocal apology.”

A ‘SOPHIE’S CHOICE’

Katie Brennan, the former Murphy campaign staffer whose allegation of sexual assault led to hearings by the Legislative Select Oversight Committee, and her lawyer, Kathryn McClure, proposed a comprehensive package of 27 recommendations for changes to state laws and regulations to empower survivors at the Workgroup’s second public forum in Mount Laurel.

“Power. Sexual harassment and assault are crimes of power and control. It is precisely this that makes politics so rife with it,” Brennan said, which presents women entering politics with a “Sophie’s choice” they should not be forced to make. “While we work to end harassment and assault in politics, do we bow out of the political process? This means no seat at the table, not being a decision-maker, no access to the people in the room where it happens. Or, we participate, make our voices heard, and we take the risk. “We want to believe we’re in control. We want to believe that there’s something a victim could have done differently- if she hadn’t danced with him, if she hadn’t been drinking, if she hadn’t accepted the ride, hadn’t been in that room, because we want to believe it can’t happen to us. We want to believe that the world is just. We want to believe the system will be there in our time of need, to protect us and keep us safe. But it won’t, not yet.”

NEW JERSEY SPOTLIGHT

Katie Brennan, the former campaign staffer for Governor Murphy whose allegations led to hearings by a Select Legislative Oversight Committee, lays out detailed recommendations for legislation at the Workgroup’s second public listening session in Mount Holly.



Brennan's detailed recommendations for reform included biennial training on the handling of sexual assault cases for prosecutors, judges and law enforcement personnel, along with the adoption of model policies for prosecutors regarding charging standards, investigation practices and jury education and for law enforcement personnel regarding law enforcement response, sexual assault evidence kit and forensic examination, evidence collection and investigative practices.

She urged legislation requiring prosecutors to communicate in writing with victims if they decline to prosecute, and to obtain the consent of victims before entering into plea deals with defendants. She called for law enforcement personnel to review police reports in sexual assault cases with the victims to ensure accuracy, as well as for victims to receive an information packet outlining their legal rights and how to contact a victim advocate. She also advocated implementation of a special Sex Offender Court and of a Restorative Justice Program to take a holistic approach to help victims heal.

She recommended overhauling the state's workplace anti-harassment/discrimination policy to allow complainants to have a support person present, to require state employees found personally liable in a judgment to reimburse the state for their share of the monetary award paid, and to provide notice of penalties to future employers if the person found to have violated state policy has left state government.

She urged that political campaigns be required to provide written sexual misconduct and anti-discrimination policies, mandate training and implement clear reporting mechanisms to report harassment. She also called for creation of a statewide portal to report inappropriate comments and activities by those involved in investigating, prosecuting or adjudicating sexual assault cases, and a statewide confidential portal for victims to report instances of sexual violence perpetrated by individuals with power and influence.

"It is never a convenient time for a revolution, and never a convenient time to smash the patriarchy. It is never a convenient time to hold your friends and colleagues accountable," Brennan concluded "But now is that time. Change is here, and change is coming."

Change was also the principal theme of state Civil Service Commission Chair Deirdre Webster Cobb, who detailed recommendations laid out by a gubernatorial task force the previous month. The key recommendations would strengthen the legal standard for defining a "hostile work environment" to include a single incident of harassment, to require both public and private employers with more than 50 employees to establish workplace policies and training on harassment, and to extend anti-discrimination legal protections to domestic workers and interns.

CHANGING THE CULTURE

Members of the Workgroup met with leaders of both the New Jersey Chamber of Commerce and the New Jersey League of Municipalities to discuss the best ways to change the toxic culture at their signature events, the Chamber's "Walk to Washington" train trip and the League's annual convention in Atlantic City.

Thomas Bracken, President and CEO of the New Jersey Chamber of Commerce, appeared at the second public forum in March to review the series of changes put in place for the "Walk to Washington" train trip three weeks before in response to descriptions of the annual event as a toxic environment for women in the *Star-Ledger* article.

The changes included a ban on hard alcohol on the train, a hotline for women to call to report misconduct, and a requirement that event participants agree to a written code of conduct barring improper conduct, including "unwelcome sexual advances or request for sexual favor," as well as a commitment to work with the NJCASA to increase anti-harassment training in the private sector.

Several Workgroup members rode the train to monitor the impact of the changes and found the atmosphere to be markedly different from previous years, as they discussed during a press conference midway through the trip.

"We are seeing an initial improvement by the fact that there is so much of an increase in transparency and security," Masih noted during a Workgroup press conference on the train. I think it's clear that changes are not only coming but are on the horizon."

It was the League of Municipalities' turn to lay out its agenda for reform at the Workgroup's third public hearing on May 21, which was held on Zoom because of the coronavirus pandemic.



ROI.COM

Workgroup members Patricia Teffenhart, Sabeen Masih and Lisa Randall hold a press conference on board the New Jersey Chamber of Commerce train to Washington in February.

Clinton Township Mayor Janice Kovach, the League’s incoming president, promised similar reforms to those implemented by the Chamber when it held its next convention in November, including requiring attendees to agree to a new code of conduct with clear guidelines on sexual misconduct, increasing harassment training for elected and appointed municipal officials, and providing a hotline to report sexual misconduct.

Acknowledging that the League’s convention had been plagued by a toxic atmosphere for women at after-hours parties and outside events in the past, Kovach pledged, “We’re committed to rooting out this toxic culture from our political environment,”

Like the previous two public forums, the May session offered women an opportunity to be heard, adding to the public record the toxic atmosphere for women in New Jersey politics.

Tiffany Kaszuba, who had planned to run for the Democratic nomination for Congress in the 4th District in 2020, took the opportunity to explain that she felt forced to drop out of the race after a member of the executive committee of the Monmouth County Democratic Committee engaged in a pattern of abusive behavior that made her unable to continue.

“I was stalked, harassed, surveilled, bullied and public berated and humiliated,” she said, “nearly on a daily basis.”

Anjali Mehrota, president of the New Jersey chapter of the National Organization of Women, added that the interplay of race and ethnicity need to be considered along with gender in addressing the power dynamics underlying sexual misconduct in New Jersey.

WOMEN STANDING UP FOR WOMEN

One of the most consistent themes that Workgroup members heard both during the public forums and private listening sessions was the need for women to stand up for other women, to intercede on behalf of women who were being bullied or harassed in unequal power relationships, and to “believe survivors.”

Women standing up for other women in politics was the exception, not the rule. Too often, women in politics, who joined county committees, found they were expected to fall in line at the direction of powerful male political leaders who controlled their political futures, as Liz Foley of Action Together New Jersey noted at the Fort Lee forum.

In mid-May, the Workgroup watched that dynamic come into play when Warren County Democratic chair Tom Palmieri marshaled 21 Democratic leaders to come to his defense publicly by signing a letter of support he had circulated after he was accused of sexual harassment by Sussex County Democratic chair Katie Rotondi. She accused Palmieri of sexual harassment and of joking about drugging her drink at a fund-raiser at Governor Murphy’s house.

After discussing the letter and the chilling effect it would have on the willingness of women to speak out, the Workgroup decided to issue its own statement on May 26 that took no position on the merits of Rotondi’s allegations, but clearly stated its principles on the need for women to be heard:

“We were disheartened to read of the rush to judgement about Sussex County Democratic Chair Katie Rotondi from leaders in the New Jersey Democratic Party. While we do not presume to adjudicate the merits of her allegations, this is not the first time that leaders – including, unfortunately, female leaders – have rushed to judgement before learning all the facts. The concerted effort to discredit women as soon as they muster the courage to come forward serves as a deterrent that has long prevented many survivors from speaking up.”

“As leaders, we must strive to create a safe environment for survivors of sexual assault, harassment and misogyny to come forward,” they said. “When powerful people dismiss their allegations before hearing any facts or potentially corroborating evidence, it sends a message that the experiences and feelings of the women speaking up are invalid.”

“To those leaders who feel compelled to discredit women because they speak out against your political allies: Wait for all the facts to emerge before rushing to judgement, lest you perpetuate the silence and shame so many survivors feel,” the ad hoc committee said. “If we are to truly address misogyny, survivors need leaders to listen to them with an open mind, not to perpetuate the culture we should all strive to change.”

Katie Brennan also issued a statement cautioning women political leaders against jumping to the defense of party leaders in harassment cases: “Just because someone hurt you doesn’t mean they never hurt anyone else. How many times must we say it?” Start with supporting victims – no matter their party.”

The women leaders who had issued the letter of support for Palmieri doubled down by issuing a statement accusing the Workgroup of a “rush to judgment ... without having any of the facts.”

Politico and the *Star-Ledger/NJ.com* later reported that three other women who asked for anonymity because of concern over political retaliation called them with similar stories alleging harassment and improper touching by Palmieri.

The Rotondi case reinforced the belief of Workgroup members that in addition to the adoption of anti-harassment policies within political parties and campaigns, it would be essential to establish an independent and impartial reporting and investigatory mechanism outside of the control of party and campaign leaders.

SEX FOR TOILET PAPER

While the Workgroup was formed to address the issues of harassment, sexual assault and misogyny in New Jersey politics, the group broadened its scope following the issuance of findings by a U.S. Department of Justice report in May that the state-run Edna Mahan Correctional Facility for Women had repeatedly violated the Civil Rights of Institutionalized Persons Act.

Eight corrections officers and staff had been fired since 2010 because of sexual abuse allegations and at least 19 cases were referred to prosecutors in what federal investigators concluded was a systemic culture of abuse of powerless inmates. Seven officers have been criminally charged, and two have pleaded guilty.

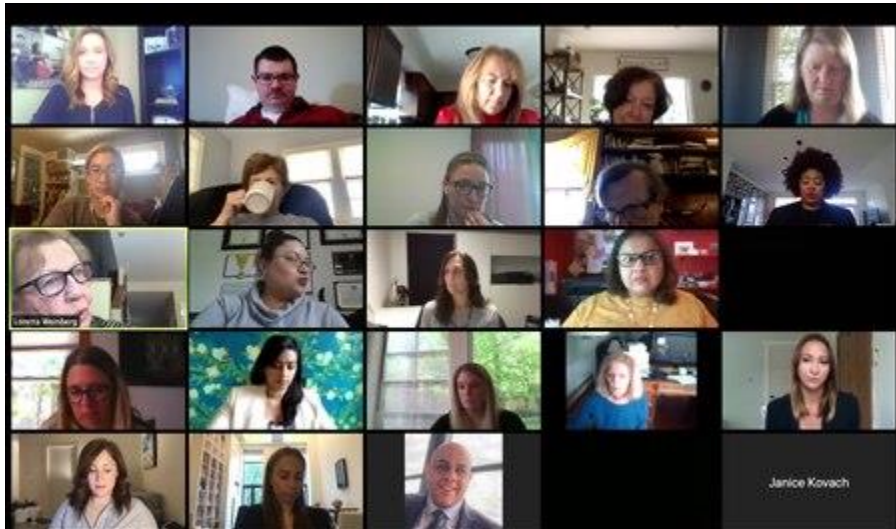
When an attorney representing former Edna Mahan inmates asked for the opportunity for their voices to be heard by the Workgroup at the fourth public forum to be held on Zoom on July 1, the panel agreed, recognizing that the same power dynamics that contribute so heavily to the toxic culture in New Jersey politics are that much more pronounced for powerless women locked away in prison. The six former inmates who spoke at the public forum provided firsthand testimony that support the finding of the Justice Department.

Mary Ann Brown, an inmate that spent 21 years at EMCFW, said that there were “sexual predators and all kinds of sexual abuse” at the prison. In 1998, Brown entered EMCFW and faced abuse on day one. Brown was stripped and forced to sit naked while officers stared. In another instance, Brown requested a roll of toilet paper from a guard. When asked the officer responded with “what are you going to do for me?”¹ At this point, Brown realized that the guard was suggesting that she perform a sex act in exchange for the toilet paper. Furthermore, the abundant disregard for inmates’ pleas for help was apparent, as officers were noted to tear up complaints in the faces of inmates. Despite the emotional testimony, one thing remained clear –

those calls for help fell on deaf ears, or, as one witness recounted, by the “brotherhood of silence.”

Inmates, already facing systemic barriers for reporting allegations of abuse, often face retaliation for raising issues of abuse. For example, Alyssa Feldman’s sentence at EMCFW lasted six months. During that time, Feldman encountered an officer that befriended her only to have that officer randomly enter her cottage room and sexually abuse her. Feldman noted, “he was king of that cottage.” She was threatened with parole being delayed if she did not comply. Additionally, inmates commonly face placement into suicide watch or solitary confinement as punishment. In one instance, a prisoner was sent to the Mental Health Transitional Care Unit after she reported a male officer for observing her the showers. This was despite the absence of a history of mental health issues. Another inmate was coerced into a sexual relationship with a corrections officer, which led to a pregnancy and the subsequent involuntary termination of that pregnancy.

We suggest that the Administration continues diligent oversight of the EMCFW and create an independent review board for the facility, including of former inmates of EMCFW, that may confidentially receive complaints from inmates currently undergoing victimization and share those complaints with the United States Department of Justice as well as the New Jersey Office of the Attorney General for further investigation.



The Workgroup’s last two public listening sessions were held on Zoom due to the health threat posed by the outbreak of the Covid-19 pandemic

CONCLUSION

We listened and we heard how the power structures in politics perpetuates a toxic environment for women. Without a neutral and empowered process in place to ensure complaints are received and adjudicated, women in politics, political parties, government, labor, and advocacy will continue to face retaliation for bringing truth to power, whether through sidelining, denial of advancement, unfavorable working assignments, and termination of employment. But our approach cannot be limited to a “whole of government” approach. It must be comprehensive and change our collective culture in society.

We as a Workgroup recommend adoption of the following recommendations:

- (1) Create an independent investigative section under the jurisdiction of the Election Law Enforcement Commission (ELEC) to probe allegations of harassment, sexual assault and discrimination in political campaigns and organizations.
- (2) The adoption of an anti-harassment policy by all State, county and municipal political party organizations and political campaigns.
- (3) That all elected and party officials, candidates, consultants, staffers and volunteers undergo anti-harassment training.
- (4) Ensure that non-disclosure agreements and other legal mechanism do not silence women who come forward.
- (5) Encourage and verify that the New Jersey State League of Municipalities and New Jersey State Chamber of Commerce enact reforms for the League of Municipalities Convention and “Walk to Washington” Chamber trip.
- (6) Enactment of Senate Majority Leader Loretta Weinberg’s and Assembly Deputy Speaker Valerie Vainieri Huttel’s sexual assault reform legislation.

APPENDICES

APPENDIX A

#MeToo was supposed to fix things. But women in N.J. politics say they've been groped, harassed -- and worse.

Updated Dec 30, 2019; Posted Dec 29, 2019



(Illustrations by Andrea Levy)

4.5k
shares

By [Susan K. Livio | NJ Advance Media for NJ.com](#) and [Kelly Heyboer | NJ Advance Media for NJ.com](#)

She's only 30. She's only been in Trenton a few years. But when you ask the young lobbyist if she's ever been sexually harassed on the job, the stories spill out of her.

On one of her first trips on the [annual Chamber of Commerce train trip to Washington, D.C.](#), an older lobbyist berated her for not hugging him, then asked what hotel she was staying in and what time she was going to bed. Last year, [at the League of Municipalities convention](#) a political operative walked up behind her and grabbed her butt.

A few years earlier, she went out drinking with a colleague. He offered to let her sleep on his couch so she wouldn't have to drive home.

In the middle of the night, he raped her, she said.

She still runs into the man, now a staffer in the state Assembly, but she never reported the sexual assault that left her with bruises on her neck and limbs. She never reported any of the other incidents either. And says she never will.

“People wouldn’t want to deal with someone who complains about something that happens all the time,” said the lobbyist, her voice rising in frustration. “Once you complain . . . you’re the ‘difficult woman.’”

Every woman in New Jersey politics has a story to tell. A North Jersey political leader unhooking the bra of a young campaign staffer as colleagues laughed. An assemblyman offering to trade sex for a vote on a key bill. A leader in a non-profit organization raping a lobbyist at the League of Municipalities convention.

Some of the incidents are decades old. Some happened within the last few years. An infuriating number of women have disturbing experiences they share among each other, said Julie Roginsky, a longtime Democratic strategist.

“It is no surprise that most young women, after being forced to contend with abusive language and misogynistic behavior for a year or two, get out of the business to do something else,” Roginsky said.

‘It has not made one difference’

In interviews with NJ Advance Media, 20 female campaign staffers, lobbyists, political operatives and lawmakers shared stories of being groped, sexually propositioned, harassed or marginalized while trying to build careers in state and local politics.

They painted a portrait of a casually misogynistic system of politics and government where it is nearly impossible for women to remain in the business without having to navigate everything from sexist insults to assaults on their bodies.

Three women said they were sexually assaulted after work events within the last five years. One said she was drugged at a political convention more than a decade ago. Several women said male lawmakers and top political officials touched them inappropriately or made sexual remarks to them in either in public or behind closed doors over the last several decades, including as recently as last year.

Almost all said the two marquee political gatherings – the annual Chamber of Commerce “Walk to Washington” train trip and the League of Municipalities convention – remain minefields despite a perception that conditions have improved in recent years.

None of the women reported the alleged groping, sexual misconduct or assaults. Like generations of women before them, they said they feared speaking out would hurt their careers.

“Despite everything we hear about #MeToo, it has not made one difference in New Jersey. It just hasn’t. I hate to be so negative,” said a veteran Democratic political consultant who has helped lead statewide campaigns.

The conversations with the women came in the wake of [Katie Brennan’s allegation that she was raped by Gov. Phil Murphy’s former campaign adviser Albert Alvarez](#) in 2017. The accusation, made public last year, and allegations of an ensuing cover-up [led to legislative hearings](#).

Alvarez, who denied any wrongdoing, resigned from his state job and was never arrested. Two county prosecutors declined to prosecute. And despite a [scathing legislative report](#) on how the Murphy administration mishandled the allegations, [nobody was fired](#).

Several women said the Brennan-Alvarez case only validated their belief that it’s best to keep quiet about sexual misconduct allegations -- unless you’re willing to [face the public scrutiny Brennan endured](#).



Awaiting a #MeToo moment

Come have lunch with us. No tape recorders. Just sit down and tell us what it’s like to be a woman in New Jersey politics.

That was our pitch this fall when we reached out to women to tell their stories.

The two of us have spent the last 25 years crisscrossing the state as reporters writing about politics, public policy, education and more. Between us, we’ve covered thousands of board meetings, press conferences, campaigns and legislative hearings.

Most of the time men were in front of the microphones. Women were there, but mostly behind the scenes doing the research, legwork and organizing.

Women have also been slow to gain ground in elected office. [Female lawmakers make up slightly over 30% of the Legislature](#) in New Jersey. It's been [at that level since 2014](#), well before the #MeToo movement. New Jersey's ranking has slipped – from 9th to 21st in the nation – because other states have leaped ahead, according to a Rutgers University study.

The #MeToo movement, which began to gain national prominence two years ago after the revelations about alleged sexual assaults by Hollywood mogul Harvey Weinstein and other powerful men, inspired other women to break their silence about harassment and abuse.

While [more than 30 lawmakers have either resigned or been forced to step down](#) in more than a dozen states after allegations of sexual misconduct in the wake of the #MeToo movement, New Jersey politics has been largely unaffected.

Over 10 weeks, women who work in state and local politics and government took us up on our offer to talk over coffee, lunch, dinner or by phone. We began by speaking confidentially, promising their comments would be off-the-record and not used in a story. We wanted frank disclosures, to learn about their most disturbing experiences and to get their advice for women trying to get their start in politics.

They were a diverse mix of women – white, black, Hispanic, Asian, gay, straight, Republican, Democrat. Some were new to the business, others have been in politics for decades and reached its highest levels.

Many were willing to talk, sharing their own experiences of sexual harassment and groping. Others had a harder time telling their stories, reluctantly sharing snippets of harassment, mistreatment or sexual assaults that haunted them.

Weeks later, we spoke to them again. Would they consider going public with their comments? Those who agreed were the most senior and established in their field and felt they would suffer little or no consequences by being candid.

The women who declined to use their names did so because some said they continue to see their harassers on the job. Most feared speaking out would jeopardize their careers.

On the campaign trail

T. Missy Balmir, a top Democratic strategist who has worked on state, local and national campaigns, vividly remembers the day more than 15 years ago when a former top New Jersey lawmaker slapped her butt with a clipboard.

Balmir, then in her mid-20s, instinctively threatened to “kick his ass,” she said. The lawmaker, who was acting as an adviser to her candidate, kept his distance for the rest of the campaign.

When she recounted the story to colleagues, everyone laughed, she recalled.

“I was more bothered by the response and I knew I was on my own. I had to protect myself,” Balmir said.

When she was the target of other lewd remarks or sexual advances from men in Trenton, she stuck with her strategy of threatening to physically harm anyone who crossed her. She felt the method was her only real defense as she worked in lower level positions on various state and local political campaigns.

“On the campaign, there is no HR (department). You have to be smart,” Balmir said.

While in the past, women may have silently accepted misogynistic treatment on the campaign trail or in the Statehouse, some say they feel more emboldened to speak about their experiences in the wake of the #MeToo movement.

“There is a long way to go. The more conversations are indicative of progress,” said Laura Matos, general manager for Kivvit, a national public affairs and communications firm.

Roginsky, a Democratic strategist, was among the women who sued Fox News in 2017, [alleging she was sexually harassed by Roger Ailes](#) and retaliated against when she rejected his sexual advances.

Women have come to her in recent years to ask for advice on how to handle abusive language, sexist slights and worse from men in charge of campaigns, she said.

Roginsky still remembers a holiday party in a bar nearly 20 years ago where a prominent North Jersey party leader walked up behind her, unhooked her strapless bra and snatched it away as it fell to the bottom of her blouse while her colleagues watched.

She laughed it off at the time, because she felt she had no other choice. But the humiliation stayed with her, she said.

She stuck it out in politics. But other women might not.

“One woman told me recently that a male campaign manager spoke to her so disparagingly and with such condescension that she was left reeling,” said Roginsky, [co-founder with Gretchen Carlson of Lift Our Voices](#), a new national group devoted to [stopping the use of non-disclosure agreements](#) to cover up workplace harassment. “I advised her to complain to her candidate. But she had no faith that her claims would be taken seriously and she believed that this would result in retaliation by the campaign manager and end her career just as it was beginning,” Roginsky said.



'Like a frat party'

Jobs in the political world involve a lot of socializing. Attending parties, fundraisers and dinners is mandatory. Alcohol is everywhere.

The connections made at the events often lead to positions on political campaigns, lobbying jobs and staff posts in state government.

The most widely attended event is the annual League of Municipalities convention in Atlantic City, which includes a gauntlet of after-hour parties.

The women interviewed by NJ Advance Media included two who said they were sexually assaulted after convention parties and five who said they were groped or sexually propositioned.

At the most recent convention in November there were more than 80 advertised parties hosted by politicians, special interest groups, lobbyists and media organizations.

At a reception in a Borgata ballroom hosted by the Middlesex County Democratic Organization, key political figures were stationed near the door as a jagged receiving line formed.

One top elected state official was observed greeting two young women, asking them coyly, "May I hug you? Is this allowed after #MeToo?" Both women said yes, hugged him and kissed his cheek.

The following night at a party at the Gypsy Bar at the Borgata, another man, visibly inebriated, also uttered a #MeToo line after a woman brushed past him, a witness said.

“I’m sorry, is this a #MeToo moment?” he said mockingly, touching a woman’s arm after making a lewd remark to her.



Looking down over a party at the Tropicana Casino during the League of Municipalities convention in Atlantic City in November. David Gard | For NJ Advance Medi

“It’s like being at a college frat party,” said one veteran of Republican campaigns who now regularly attends the convention as part of her work as a consultant.

A columnist for Insider NJ, a political news site, wrote [a scathing preview of the convention](#) in 2017, calling it “an event where terrible things have happened to women in our field.”

“As much as I love to watch my drink to ward off rapey advances, I have opted not to go to the League this year,” wrote columnist Koren Frankfort, who was the assistant director for cultural affairs for Hudson County at the time.

“Treat women with respect whether they conduct themselves perfectly or not. All women deserve safety, not just the ones who button up to the neck. Preying on vulnerability does not excuse you from basic decency,” Frankfort wrote.

Frankfort, the finance director for the New York State Senate Democrats, did not respond to requests to comment.

One lobbyist in her 30s says she was raped at the convention in 2017, shortly after Frankfort’s column was posted.

The woman says she was in the Borgata lobby talking to a senior official of a nonprofit organization about pending legislation. He offered to call a colleague so they could all continue the discussion back in his room.

Once there, she said he offered her a drink and some marijuana, which she accepted.

“He said it would ‘solidify our business relationship,’” the lobbyist said.

But she suspected either the drink or the joint was spiked with something stronger because she quickly became disoriented. When the lobbyist tried to bolt for the door, he reminded her he had powerful allies in the Legislature, she said.

“He refused to take his hands off me,” said the lobbyist.

She never reported the alleged rape to police.

Last month, she returned to the convention. She refused to meet with anyone alone.

A politician also says she was sexually assaulted at the convention four years ago. She never reported the assault, she said. Though she told friends, she declined to publicly discuss the details out of fear it will affect her political career.

Michael Darcy, the league’s executive director, said the after-hours parties and behavior of some attendees “tarnishes the reputation of the league in an unwarranted way.”

The convention, which draws 17,000 people – many of whom are government employees required to attend mandatory training sessions -- does not host the boozy lunches, dinners or cocktail parties, Darcy said.

“If it didn’t happen in the convention center from 9 a.m. and 5:15 p.m., it didn’t happen at a League event. That is something that always gets lost,” he said.

The league offers training sessions on discrimination and proper workplace behavior, he said.

“I do agree the League has a role to play with this,” Darcy added. “If there are things that are happening after-hours, we have a role in advising people not to go attend those things.”



Rolling into Washington

Like the League of Municipalities, the state Chamber of Commerce’s “Walk to Washington” train trip from Newark to Washington, D.C., [is considered a must-attend event](#).

The “Chamber train” is a series of private Amtrak cars packed with elected officials, lobbyists, staffers and anyone else willing to walk through the crowded cars to shake hands and network. The alcohol flows and some attendees are drunk by the time the train rolls into Washington.

Among women, the train has a reputation for being a place where they can often get groped or sexually propositioned in its tight quarters. Though most say it is less common for someone to grab a breast or butt than in the past, several women said they no longer ride the train.

“Let’s say, people are free with their hands. It’s not great for women,” said one public affairs consultant who got her start in Republican politics.

She’s among the women – and some men – who take an earlier Amtrak train to D.C. Others say they drive to Washington to attend the Chamber of Commerce receptions, skipping the train ride.

“It’s just nicer and calmer. No one’s grabbing your ass,” the consultant said.

“Everybody is really drunk, and everybody is crammed into the train. People have ‘walked into’ me intentionally. Why expose yourself to that if you don’t have to?” said one lobbyist, a woman in her 30s, who rode the Chamber train, but stopped about five years ago.

Another veteran public affairs consultant who rode the Chamber train in the 1990s and recently returned said she was surprised to see some men on this year's trip stationed at the end of the train cars, loudly commenting about women's bodies as they passed through.

"Were there men on there who saw the corridor as a runway with women walking up and down as they were making comments? Yes," she said. "I was shocked."



People board the annual N.J. Chamber of Commerce train ride to Washington in Newark in 2018. Aristide Economopoulos for NJ Ad

Scott Goldstein, a spokesman for the New Jersey Chamber of Commerce, said the organization does not tolerate sexual harassment or discrimination of any kind and has long had a policy prohibiting retaliation against anyone who makes a complaint or helps with an investigation.

"We expect professional behavior from those who register for New Jersey Chamber events," Goldstein said. "The New Jersey Chamber has worked hard to make our Walk to Washington a trip in which everybody feels welcome, comfortable and respected."

Looking back, looking forward

After 40 years in New Jersey politics, lobbyist Jeannine LaRue says there is still sexism and misogyny in Trenton, but it's far less brazen.

In her early days as an education lobbyist, LaRue says a North Jersey lawmaker offered to trade a vote for sex.

The assemblyman, who has since died, told her he would vote for an education-related bill she was lobbying for in the Legislature if she met him in a nearby hotel, she recalled. She refused.

But after the Democrat voted in favor of the bill, the lawmaker confronted her in the Statehouse and demanded she keep “her promise” to have sex with him, LaRue said. She cursed at him and walked away, uncertain if her reaction would get her fired.

A decade later, after LaRue was appointed to the Casino Control Commission by Gov. Jim Florio, she says the lawmaker approached her, apologized and said he regretted his behavior. They hugged and she forgave him.

Over the last few years, LaRue says she sensed a change in Trenton. Men are becoming more aware and women are more willing to speak up.

“What I love now – even before #MeToo – is that women know they are as smart and sometimes smarter than most of the men ... They do not have to sacrifice who they are to succeed,” said LaRue, a former deputy chief of staff to Gov. Jon Corzine and now senior vice president of the Kaufman Zita Group lobbying and consulting firm in Trenton.

Jayne O’Connor, whose career in Trenton dates back to the 1980s, said she’s also seen dramatic change in the Statehouse. When she got her first job in the state Office of Legislative Services at age 23, there were only three women in the office.

One of her bosses brought in a Playboy magazine and listed the articles his female employees were required to read, O’Connor said. The boss also gave the women thigh-high fishnet stockings as holiday gifts, which led to an office discussion of who had the best legs.

At the time, the women felt they had nowhere to file a complaint in state government, she said.

“There’s no one to go to when you work in an office of like-minded men,” she said.

O’Connor eventually moved to the state attorney general’s office in the mid-80s where she rose through the ranks. As part of her job, she was asked to testify in public legislative hearings on bills on behalf of the attorney general.

At her first hearing, the lawmaker chairing the hearing seemed shocked the attorney general had sent a young woman in her mid 20s to represent him.

“He said, ‘You look like you’re a 16-year-old camp counselor. What are you doing testifying before my committee?’” O’Connor said. “It became a joke.”

The joke was repeated each time she testified in a legislative hearing, she said.

She stuck around, rising in state government and eventually becoming press secretary to Gov. Christie Todd Whitman.

“When Gov. Whitman came in there was a sea change for women, both how we were treated and the opportunities (available),” O’Connor said. “It was the first time I went to meetings where it wouldn’t just be men in meetings ... She showed us how you do it. How you talk. How you don’t back down.”

It remains difficult for women to break into New Jersey politics. The state’s complex political system includes powerful chairs of the Democratic and Republican parties in each county who serve as “gatekeepers” and help decide which candidates get on the ballot, said Debbie Walsh, director of the Center for American Women and Politics at Rutgers University.

Five of New Jersey’s 21 Democratic county chairs are women, while four women lead the county Republican organizations, according to their respective websites.

“It makes it tough for any outsider to get in,” Walsh said. “In New Jersey, it feels like there are a few men who are moving the pieces on the chessboard, and that system does not make it easier for newcomers and people perceived to be outsiders.”

Former Lt. Gov Kim Guadagno said it remains important for women in politics to bring in other women, even when it’s difficult.

When Guadagno [was running for governor](#) against Gov. Phil Murphy in 2017, the Republican asked her campaign manager to find a woman to help manage the campaign. When her staff came back and said they couldn’t find anyone, Guadagno said she told them to “keep looking.”

Eventually, she hired Sarah Neibart, a former Gov. Chris Christie campaign staffer and congressional campaign manager in her 20s, to serve as her statewide political director.

Women helping women get into high-level positions is key to changing the culture in Trenton, Guadagno said.

“I think that’s the obligation of women,” Guadagno said. “Men just don’t think of it.”

‘Voice is power’

Some women have tried to change the culture in Trenton. One group of about 85 lobbyists, staffers and political consultants meets for monthly, women-only dinners and cocktail hours to network, share contacts and offer advice.

Following the report critical of how Katie Brennan’s rape allegations were handled, the Legislature introduced a series of [10 bills that would change the way the state government handles sexual assault claims](#).

There have been few sexual harassment complaints filed in the Legislature. In 1997, the state paid \$175,000, plus \$170,000 in legal fees, to settle a [sexual harassment complaint filed by an assistant to Republican Assembly Speaker Garabed “Chuck” Haytaian](#). He denied any wrongdoing.

In 2004, the state [settled a sexual harassment lawsuit filed by Republican Sen. Anthony Bucco’s chief of staff](#) for an undisclosed sum, plus \$48,000 in legal fees. He also denied the claims.

Last year, the Legislature adopted new policies that [mandated sexual harassment training for lawmakers](#) and made the complaint process more transparent. Patricia Teffenhart, executive director for the New Jersey Coalition Against Sexual Assault, says more needs to be done.

“Sexual harassment in all of its forms are about power and control. As long as power brokers in the New Jersey political system continue to be predominantly men, women will continue to fear sharing their stories out of retribution or isolation,” Teffenhart said.

She called for the organizations that run the Chamber train and the League of Municipalities convention to run sexual harassment workshops and issue a “code of conduct” for those attending.

“There is a sense that these two activities — the Chamber Train and the League Convention — are very unsafe,” Teffenhart said.

Still, many women who have been harassed or sexually assaulted say they are reluctant to come forward, especially after the Brennan-Alvarez hearings where some thought [Brennan was treated harshly](#) for going public about how her rape allegation was handled.

The 30-year-old lobbyist who says she was groped at the League of Municipalities convention, sexually propositioned on the Chamber train trip and raped by a staffer in the state Assembly said she has no regrets about not reporting any of those incidents after seeing the aftermath of the Brennan hearings.

“I am only more convinced I did the right things after I saw what happened to Katie Brennan,” the lobbyist said. “She put herself out there and did everything she could. She got no justice and got completely eviscerated. All for what? The emotional toll of being invalidated? I just don’t think I would be able to do that.”

Brennan, who continues to work in state government and has [filed a lawsuit against the state over how her case was handled](#), encouraged other women to come forward.

“Sexual assault is a crime of power. Silence defends the status quo, it protects perpetrators and their protectors. Voice is power,” Brennan said.

“If faced with the same circumstances, I would speak again and would encourage others to do the same,” she continued. “As hard as it is, my power is my voice. To any survivor who wants to tell their story-- I hear you, I believe you, I will support you.”

Tell us your experiences with allegations of sexual harassment in New Jersey: [Here's how to share your story.](#)

Susan K. Livio may be reached at slivio@njadvancemedia.com. Follow her on Twitter [@SusanKLivio](#).

Kelly Heyboer may be reached at kheyboer@njadvancemedia.com. Follow her on Twitter [@KellyHeyboer](#). Find her at [KellyHeyboerReporter](#) on Facebook.

APPENDIX B The Katie Brennan Recommendations



Kathryn K. McClure
Attorney At Law

Kmcclure@SmithEibeler.com
www.SmithEibeler.com
tel. 732.935.7246
fax. 732.444.1096

February 13, 2020

VIA E-MAIL & FIRST CLASS MAIL

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
c/o Ms. Patricia Teffenhart
Executive Director
NEW JERSEY COALITION AGAINST SEXUAL ASSAULT
Crossroads Corporate Center
3150 Brunswick Pike, Suite 160
Lawrenceville, New Jersey 08648-2420

Re: Recommendations for Reforms to Improve Redress for Victims of Harassment, Sexual Assault and Sexual Misconduct in New Jersey

Dear Senator Weinberg and Committee Members:

I am writing today to share with you my client, Katie Brennan's, recommendations for potential reforms in New Jersey to improve redress for victims of harassment, sexual assault and sexual misconduct in New Jersey. Ms. Brennan and I welcome the opportunity to address the Workgroup at its next hearing in March

Ms. Brennan respectfully requests that The Workgroup on Harassment, Assault Misogyny in New Jersey Politics consider the following reforms to improve the criminal justice process for victims of sexual assault:

I. Prosecutorial Reform

(1) Implementation of aspects of the AEquitas Model Response to Sexual Violence for Prosecutors (RSVP) in New Jersey -- appropriate legislative action to amend, at a minimum, N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) and/or N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) to require all New Jersey county prosecutors to be trained on and implement the AEquitas Model Response to Sexual Violence for Prosecutors (RSVP) ("Aequitas RSVP") in handling sexual violence cases, including but not limited to charging standards, investigation practices, and jury education. See,

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
February 12, 2020
Page 2

<https://aequitasresource.org/wp-content/uploads/2018/09/Model-Response-to-Sexual-Violence-for-Prosecutors-RSVP-An-Invitation-to-Lead.pdf> (a copy of which is attached hereto as Exhibit A).

(2) **Implementation of biennial training for prosecutors -- appropriate legislative action to amend N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require** county prosecutors to receive biennial training from nationally recognized expert trainers of trauma informed care. Training should include smaller groups designed to foster practical implementation and plans to incorporate training into their respective counties. Training for new prosecutors should occur within sixty (60) days of the commencement of employment. *See, e.g.,* AEquitas RSVP recommended training at Endnotes 3 and 190.

(3) **Requirements regarding communications to victims when prosecutors decline to prosecute -- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) and/or N.J.S.A. 2C:14-2.1 (Right of victim to consult with prosecuting attorney), and action to amend** the New Jersey Attorney General Standards for Providing Services to Victims of Sexual Assault, 3rd Edition, November 2018 at pp. 26-27. **to require** prosecutors to provide written communication to sexual assault victims when declining to prosecute, in addition to meeting with the victim, and requiring that such communications occur prior to any public announcement about the decision.

(4) **Requirements for plea deals -- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims)** to require that any complaint of a sexual nature be downgraded in plea deals only without the signed consent of the victim/survivor. *See, e.g.,* AEquitas RSVP recommendations, "Where Plea Offers are Appropriate, Ensure Agreement Reflects the Seriousness of the Assault," at Section 4.2E (p. 93).

II. **Law Enforcement Reform**

(1) **Requirements regarding filing of police reports in cases of sexual assault -- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) to require** law enforcement to review the police report of the sexual assault with the survivor prior to filing the report.

(2) **Requirements regarding providing information to sexual assault victims-- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) and/or N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require that** when a victim reports an incident to law enforcement, they should be provided with a packet of resources and the law enforcement official it was reported to, and the victim and the law enforcement official, should both sign off that law enforcement official provided the packet of resources to the victim. This packet should include information about all of the victim/survivor's legal rights, information on a victim advocate, and options and a number they can call at any time for an update in their investigation.

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
February 12, 2020
Page 3

(3) Implementation of biennial training for law enforcement -- appropriate legislative action to amend N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require law enforcement to receive biennial training from nationally recognized expert trainers of trauma informed care. Training should include smaller groups designed to foster practical implementation and plans to incorporate training into their force. See, e.g., AEquitas RSVP recommended training at Endnotes 3 and 190.

(4) Implementation of the Michigan Model Policy: Law Enforcement Response to Sexual Assault -- appropriate legislative action to amend N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require law enforcement to follow the guidance for dispatch/call taker response, immediate law enforcement response, report writing, sexual assault evidence kit and forensic examination, investigative phase, including the investigative phase with survivor interaction, witness interviews, suspect investigation and interaction, and crime scene and evidence collection as outlined in the "Michigan Model Policy: Law Enforcement Response to Sexual Assault." See https://www.michigan.gov/documents/mdhhs/Michigan_Model_Policy_550586_7.pdf (a copy of which is attached hereto as **Exhibit B).**

III. Sexual Assault Reporting Reform

(1) Creation of a statewide reporting portal for reporting inappropriate comments-- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) and/or N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require the creation of a statewide portal through which victims/survivors of sexual assault can report instances of inappropriate comments/conduct by judges, prosecutors, law enforcement, advocacy, forensic nurse examiners, etc.

(2) Creation of a statewide portal for reporting instances of sexual violence --appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) and/or N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require the creation of a statewide confidential portal through which victims/survivors of sexual assault can report instances of sexual violence (harassment through assault) committed by individuals with power/influence (elected officials, police officers, medical professionals, etc.).¹

¹ For both Points IV (1) and (2) the creation of the portals must include clearly articulated next steps once someone files such a report including time frame for response, the communication of resources available, and legal rights.

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
February 12, 2020
Page 4

(3) Requirements for recusal -- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) and/or N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require family members of any individual accused of sexual assault to immediately recuse themselves from any review of accusations (both in workplace and in judicial system).

(4) Requirement for annual audits -- appropriate legislative action to amend N.J.S.A 52:4B-44 (Standards to ensure rights of crime victims) and/or N.J.S.A. 52:4B-55 (Sexual Assault Nurse Examiner Program Coordinating Council) to require annual audits to occur in order to publicly release the percentage and nature of sexual assault cases that proceed. See, e.g., AEquitas RSVP at Ch. 5.

IV. Judicial and Court Reform

Ms. Brennan proposes the State convene a task force to explore the implementation of proposed reforms focused on improving the rights of victims/survivors of sexual violence within the Judiciary and in the Courts. Specifically, such a task force could explore the following reforms:

(1) Implementation of biennial training for judges -- As with prosecutors, as set forth in Section I (2) above, judges shall receive biennial training from nationally recognized expert trainers of trauma informed care. Training must include smaller groups designed to foster practical implementation and plans to incorporate training into their respective counties. Training for new judges should occur within sixty (60) days of the commencement of employment. See, e.g., AEquitas RSVP recommended training at Endnotes 3 and 190.

(2) Implementation of a “Court Watch” – Implement a “Court Watch” to improve judicial procedural reforms in sexual assault cases such as those advanced by Seattle King’s County Court. See, <https://www.kcsarc.org/courtwatch>.

(3) Implementation of a Sex Offender Court – Implement a Sex Offender Court as recommended by the Center for Court Innovation following the Sex Offense Court Model proposed in New York. A key reform would include, in acquaintance sexual assault cases with a “consent” defense, the purpose of the investigation shall not to be to determine than an act occurred because both parties agree that an incident took place. Rather, the case should move straight to a grand jury for a credibility determination. See , https://www.courtinnovation.org/sites/default/files/Sex_Offense_Courts.pdf.

(4) Implementation of a Restorative Justice Program- Implement a large-scale, community-based, sexual-violence focused restorative justice program to give victims the chance to be heard and feel that justice has been served. See NJCASA’s proposal to the Attorney General and <https://impactjustice.org/impact/restorative-justice-ipv-sexual-harm/>.

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
February 12, 2020
Page 5

V. Political Campaign Reform for Responding to Sexual Assault, Sexual Harassment, Discrimination and Retaliation

Recently, Senator Vin Gopal announced that would join a bipartisan team of state legislators to introduce novel legislation that would implement much-needed oversight over the handling of claims of harassment and discrimination in New Jersey campaigns and political parties. Ms. Brennan proposes that such a bipartisan team consider as part of this legislation implementing the following provisions:

(1) **Requirements for written policies** -- appropriate legislative action to require all political campaigns must have written sexual harassment, sexual assault, anti-discrimination and anti-retaliation provisions.

(2) **Requirements for training** -- appropriate legislative action all political campaign staff (paid and unpaid) must take training (anti sexual harassment, anti-sexual assault, anti-discrimination, and anti-retaliation). Campaigns should hold trainings monthly so that new volunteers and staff (paid and unpaid) may attend.

(3) **Requirements for reporting** -- appropriate legislative action all political campaigns must have methods/mechanisms to report harassment. Campaigns with paid staff must designate an individual or individuals to whom staff (paid and unpaid) can report harassment, assault, discrimination and retaliation. For smaller campaigns with no paid staff, the State shall create an ombudsman/hotline for reporting same.

Ms. Brennan has endeavored to to identify implementable “best practice” standards for (1) providing services to survivors/victims of sexual assault in New Jersey; (2) reforming political campaigns to better respond to complaints of sexual assault, sexual harassment, discrimination and retaliation and (3) improving the conduct of workplace investigations pursuant to the State of New Jersey Workplace Anti-Harassment/Discrimination Policy.

Ms. Brennan has conducted substantial research to ground these proposals in best practices models from around the country that focus specifically on the rights and legal advocacy issues impacting victims/survivors of sexual violence.

VII. New Jersey Workplace Anti-Harassment/Discrimination Policy (“State Policy”)

With regard to the State of New Jersey Workplace Anti-Harassment/Discrimination Policy (“State Policy”), Ms. Brennan proposes the following reforms:

(1) **Revision to N.J.A.C. 4A:7-3.1(j)** --Eliminate the currently pending proposed, revised language (a copy of which is attached hereto as **Exhibit C**), and replace it with “All persons interviewed, including complainants and witnesses, shall be asked to use discretion in

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
February 12, 2020
Page 6

communicating any aspect of the investigation so as to avoid interfering with the investigation. Nothing in this request should be interpreted as any restriction upon any state employee's rights under state or federal law, including their right of free speech and/or right to communicate any allegations to another person[.]”

(2) Support Person and/or Advisor -- Allow complainants and respondents of harassment allegations be accompanied with a support person or advisor of their choice to any meeting or interview that is conducted under the State Policy. An advisor or support person, may not, however, stand in place of the complainant or the respondent, or otherwise interfere in the investigation process.

(3) Change the requirement that EEO/AA investigations be completed and the final letter of determination issued from the current regulation of “within 120 days” and “up to 60 additional days in cases involving exceptional circumstances” to “as soon as possible.”

(4) Require any state employee found personally liable in a final judgment or an adjudicated award for intentional violations of the State Policy to reimburse the State for that individual's proportionate share of the total monetary award paid by the State to any other person.

(5) Require that if the person found to have violated the State Policy is not employed by the State, other appropriate action shall be taken, including notice to the actual subsequent employer in a manner similar to the provisions of the State of Hawaii Discrimination/Harassment-free Workplace Policy No. 601.00.

(6) Eliminate the “At the EEO/AA Officer's discretion” of N.J.A.C 4A:7-3.2(i) and change to provision to confirm that the State will investigate “all reasonable and good faith complaints that implicate the Policy.”

(7) Adopt a comprehensive conflict of interest policy that, at minimum, describes policies and procedures in which an investigator and/or other individual who participates in any EEO/AA investigation must recuse themselves because of a conflict of interest.

(8) Require the State to notify any State employees who have executed confidentiality forms (a copy of which is attached hereto as **Exhibit D**) in connection with N.J.A.C. 4A:7-3.1(j) that they are null and void by so informing by means publicly posted notification and prohibit the State from using the forms going forward as a violation of N.J.S.A. 10:5-12.8, the First Amendment and New Jersey public policy.

Very truly yours,

The Workgroup on Harassment, Assault &
Misogyny in New Jersey Politics
February 12, 2020
Page 7

SMITH EIBELER, LLC

/s/ Kathryn K. McClure

KATHRYN K. McCLURE

KKM/

APPENDIX C The Survey on Sexual Harassment & Misconduct in New Jersey Politics



- REPORT OVERVIEW -

"It's Everywhere. It's Everything":

The Report of NJCASA's 2020 Survey on Sexual Harassment & Misconduct in N.J. Politics

Toplines

- Sexual misconduct and misogynist behavior/attitudes are often not overt – they are quiet and consistent, creating inequity and perpetuating power imbalances.
- Power reigns supreme with elected officials and political party leadership committing, and permitting, acts of sexual misconduct and upholding misogynistic behaviors at higher rates than others.
- There is overall low knowledge about how to report harassment and misconduct, paired with low confidence in the reporting, investigating, and accountability process associated with reporting.
- Identity shapes perception. Male- and female-identified respondents indicated vastly different perceptions about the prevalence of sexual harassment and misogyny in government and politics.

What is happening?

- 36 percent of respondents indicated that they believed sexual harassment in N.J. politics is "very prevalent," and 26 percent responded that they believe it is "extremely prevalent."
 - 11 percent of men reported that they believe harassment is 'extremely prevalent,' compared to 30 percent of respondents who identified themselves as women.
- The majority of survey respondents (57 percent) indicated that they have experienced harassment during the course of their time working in N.J. politics.
 - Women (64 percent) were more likely to report being harassed than men (28 percent).

- 23 percent of respondents indicated that they experienced “verbal remarks of a sexual nature,” closely followed by “sexist or misogynistic comments” (22 percent) and “unwanted touching” (15 percent). 3 percent reported experiencing sexual assault or rape.

UNWANTED TOUCHING	SEXUAL ASSAULT OR RAPE	SEXIST OR MISOGYNISTIC COMMENTS	VERBAL REMARKS OF A SEXUAL NATURE	GESTURES OF A SEXUAL NATURE	INDECENT EXPOSURE
15%	3%	22%	23%	9%	1%
MESSAGES, VIDEOS, OR IMAGES OF A SEXUAL NATURE	OBSCENE IMAGES IN THE WORKPLACE	STALKING (ONLINE OR PHYSICALLY)	SEXUAL COERCION	PERSISTENT + UNWANTED INVITATIONS OF A SEXUAL NATURE	OTHER
6%	2%	2%	6%	9%	3%

Who is committing harm?

- Of the ten surveyed occupations, respondents indicated experiencing sexual misconduct from elected officials at the highest rates (22%).
- In terms of workplace hierarchy, most people reported being harassed by a colleague who was their peer (28 percent).
- Most respondents indicated they were harassed at outside-of-work events they were expected to attend at part of their job (38 percent).

What is the response?

- Respondents indicated that after experiencing harassment or assault, they told a friend / family member (28 percent) or a colleague (24 percent), higher than any official “reporting” medium.
- When respondents who indicated they chose not to report were asked why, the majority shared that they feared retaliation (18 percent), closely followed by 17 percent who indicated that they “did not think reporting would help.”
- When asked what the ideal outcome would be for those who commit harm, 24 percent indicated “an apology” and another 24 percent replied “termination of employment.” This underscores how very individual each person’s desired outcomes will be, and the wide range along which those outcomes fall.

What is the knowledge?

The below chart compares:

- The percentage breakdowns to the question, “The person who assaulted me worked as a...”
 - Please note, totals do not reach 100 percent due to more occupations being surveyed in this question than in the following reporting knowledge question
- The percentage breakdowns to the question, “I know how to report misconduct committed by a...”

	REGISTERED LOBBYIST	PARTISAN POLITICAL OPERATIVE	ADVOCATE / ACTIVIST	ELECTED OFFICIAL	STAFF TO AN ELECTED OFFICIAL
THE PERSON WHO ASSUALTED ME WAS A...	9%	13%	6%	22%	12%
I KNOW WHERE TO REPORT MISCONDUCT BY A ...	YES: 21%	YES: 24%	YES: 23%	YES: 41%	YES: 46%
	NO: 79%	NO: 76%	NO: 77%	NO: 59%	NO: 54%

Please note: These responses are not directly matching Q1 and Q2 respondents, but are all aggregate averages of respondents to each question.

APPENDIX D : Model Anti-Harassment Policy for Political Party Organizations and Campaigns

Proposed Morris County Democratic Committee Anti-Harassment Policy

This policy was based on the model policy developed by the Illinois Anti-Harassment, Equality and Access Panel, on recommendations from the New Jersey Coalition Against Sexual Assault, and on testimony before the Workgroup on Harassment, Sexual Assault and Misogyny in New Jersey Politics. It has been proposed for adoption by the Morris County Democratic Committee.

We, the Morris County Democratic Committee (MCDC), are committed to creating a respectful and safe working environment for every individual who works or volunteers with or for MCDC, including campaign staff, independent contractors, volunteers, vendors, consultants, fundraisers, interns, and candidates (“Campaign Workers”). MCDC does not tolerate harassment, bullying, or discrimination of any kind, in the workplace or in work-related situations. To achieve an environment that is free of harassment, bullying, and discrimination, it is essential that all workers and volunteers feel comfortable raising complaints about harassment or other misconduct when they see or experience it. This Policy covers prohibited conduct, including behaviors that may or may not, be legally actionable as "harassment," and covers individuals who may not have legal protections in all jurisdictions but who are at high risk of being targeted for harassment. MCDC further strictly prohibits any form of retaliation against anyone who reports or assists in reporting a concern regarding a violation of this Policy. Recognizing that it may take months or even years for victims of harassment, sexual assault or discrimination to come forward, this Policy will apply retroactively in serious cases.

I. Who Is Covered

This Policy applies to all individuals working or volunteering with or for MCDC. This includes municipal Democratic committees, Democratic campaigns within Morris County, and any other organizations or campaigns that fall under the oversight of or are coordinated with MCDC. It includes but is not limited to candidates, campaign staff, independent contractors, volunteers, vendors, consultants, and fundraisers. Each individual to whom it applies is responsible for following and upholding this Policy. MCDC is committed to protecting its workers and volunteers against all harassment, discrimination, and bullying, regardless of the source. Therefore, workers and volunteers should report all instances of harassment, discrimination, or bullying – even if committed by those to whom the policy does not expressly apply.

EXAMPLE

Nick is a field coordinator in Parsippany for a countywide campaign. As part of his job, he frequently invites volunteers to meet one-on-one to discuss campaign matters. In response to Nick’s invitation for a working coffee meeting, a volunteer asked to move the mid-day coffee meeting to a dinnertime date followed by watching Netflix at his apartment. Nick declined, explaining that he wanted to keep the meeting strictly professional. The volunteer jokingly responded that he was a committed volunteer and so Nick should agree to the date for the good of the campaign. He has continued to text Nick with invitations to go on dates under the pretenses of campaign work. Nick should report this behavior to the designated reporting contact.

Managers, supervisors, and any other individuals with supervisory authority must report suspected violations of this Policy when they become aware of such a violation. Managers and supervisors may become aware of a violation when they are explicitly told about the violation, when they hear about a violation indirectly, or when they witness a violation. In each scenario, the manager or supervisor must bring the suspected violation to the designated reporting contact.

II. Application of the Policy

The Policy applies to any interactions involving covered individuals, regardless of whether the conduct occurs in the office, in the field, at work-related social events, at fundraising events, at parties, or elsewhere. This Policy also applies to electronic transmissions, such as email and text messages, as well as postings on social media.

For example, after a day of get-out-the-vote efforts, two volunteers – Angela and Trevor – go out to a bar. After several drinks, Trevor rubs Angela’s thigh and tells her that he is attracted to women of color like her because they “know what they are working with.” The next morning, Angela tells Trevor she was uncomfortable with his comments, and he explains that he was “joking” and that he was too drunk. They go out for drinks again, and Trevor repeats the same behavior. Trevor is engaging in harassing behavior. It does not matter that they are volunteers, or that the behavior is happening outside of working hours; it is still covered by the Policy. The behavior is also not excused because Trevor is “joking” or under the influence.

III. Prohibition Against Harassment

This Policy prohibits harassment. For the purposes of this Policy, harassment is conduct that creates a disrespectful, intimidating, hostile, degrading, humiliating, or offensive environment for a covered individual based on that individual’s protected status. Under the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq) “Protected status” includes the following: race; religion or religious creed; color; ethnic or national origin; nationality; age; ancestry; sex, including pregnancy, childbirth, and breastfeeding, or related medical conditions; sexual orientation; gender; gender identity or expression; marital status; domestic partnership status; civil union status; familial status; physical or mental disability; atypical cellular or blood trait; genetic information or characteristics (or those of a family member) and military or veteran status. This policy also covers immigration status; citizenship status; and status of a victim of domestic violence, stalking, or sexual assault.

For the purposes of this Policy, sexual harassment is any harassment specifically based on sex

For example, Jacinda was a volunteer with a county campaign. For months, Bill, another volunteer, made comments about Jacinda’s body, told people he was dating Jacinda, encouraged her to drink even though she was underage, and tried to create situations in which the two would be alone. Jacinda told Amelia, her supervisor within the campaign, about Bill’s behavior, and Amelia told Jacinda that Bill was just “joking” and that’s just “how he is.” Bill harassed Jacinda in violation of this Policy, and Amelia also violated the Policy by condoning his conduct and not reporting the misconduct for investigation.

that would make a reasonable and similarly situated person feel offended, demeaned, or uncomfortable. To be clear, this Policy prohibits harassment based on sex, even if it does not rise to the level of illegality under state and federal law. Note that sexual harassment can happen regardless of gender, gender identity, gender expression, and/or sexual orientation. This means that sexual harassment can occur between same-sex individuals as well as individuals of different sexes. Sexual harassment need not be motivated by sexual desire.

While not an exhaustive list, harassment can include the following types of conduct:

- Derogatory or insensitive jokes, comments, or pranks;
- Sharing the derogatory or insensitive jokes, comments, or pranks of others;
- Use of slurs or epithets;
- Inappropriate familiarity, invasive questions about personal lives or relationships;
- Intentionally misgendering an individual;
- Refusing to refer to an individual by their chosen name and / or pronouns;
- Unwelcome sexual or romantic advances or invitations (including asking an individual out more than once if the individual declines the first invitation);
- Displaying or sharing images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are derogatory or sexual;
- Comments about appearance or other personal or physical characteristics, such as sexually charged comments or comments on someone's physical disability;
- Unwanted bodily contact such as groping or massaging, blocking normal movement, unnecessary touching, or physically interfering with the work of another individual.

IV. Prohibition Against Bullying

This Policy prohibits bullying. Bullying is repeated behavior that a reasonable covered individual would find disrespectful, intimidating, hostile, degrading, humiliating, or offensive, regardless of whether the conduct is based on an individual's protected status.

- While this is not an exhaustive list, bullying behavior can appear as the following:
- Excessive monitoring or micromanaging;
- Deliberately excluding a covered individual or isolating them from activities that they would normally be included in;
- Singling out a covered individual for unfavorable work assignments or demands;
- Regularly teasing or making a covered individual the subject of pranks or practical jokes; or
- Publicly reprimanding, embarrassing, or shouting at a covered individual.

For example, a campaign staffer named Penelope helped the candidate, Carla, prepare for candidate forum. When the forum did not go well, the campaign manager, Kristen, blamed Penelope in front of the entire campaign staff and multiple volunteers, including yelling at Penelope on the day of the appearance and then repeatedly raising the incident and berating Penelope for the problems. Kristen then excluded Penelope and assigned her menial and time-consuming tasks instead of the strategic projects she had been working on. Kristen is bullying Penelope. While it is appropriate for supervisors to provide feedback and address performance issues, Kristen's actions went beyond her supervisory authority over Penelope.

V. Prohibition Against Discrimination

This Policy prohibits discrimination. For the purposes of this Policy, discrimination occurs when a Campaign Worker is treated differently than their peers based on their protected status as enumerated above in Section III.

Discriminatory behavior can appear as the following, though this list is not exhaustive:

- Adopting policies that disproportionately affect individuals of a certain protected status;
- Assigning responsibilities based on an individual's protected status;
- Sharing or displaying hate symbols such as nooses and cross burning; or
- Excluding certain individuals from work-related events or opportunities based on their protected status.

For example, Sean is a white field organizer for a state senate race. When deciding which volunteers should knock on doors for the candidate in a predominately white neighborhood, Sean says that only white volunteers should be sent to the neighborhood because they are the only ones who can really talk with the voters there. When a volunteer who is black says that he grew up in the neighborhood and volunteers to knock on doors there, Sean refuses to believe that he will be able to connect with the voters in that neighborhood. Sean's behavior is discriminatory, and the volunteers should report his behavior

VI. Role of Bystanders

Bystanders should speak up if they see or hear something that they believe violates the Policy or something that they think is inappropriate, including suspected instances of retaliation.

Bystanders are encouraged to intervene on the spot when they see inappropriate behavior unless doing so would risk the bystander's physical safety. Bystanders should protect the vulnerable against predatory or improper behavior. If bystanders do not believe that they can safely intervene – for example, if the offender is threatening violence – bystanders are expected to call law enforcement.

MCDC also encourages bystanders to engage with the victim to see if they would like to report the violation or would like assistance in reporting. As mentioned before, managers, supervisors, and any other individuals with supervisory authority must report suspected violations of this Policy when they become aware of such a violation.

For example, Fred was a municipal chair. A member of the county executive board, Sonia, began making unwanted advances and asking overly personal questions about Fred's love life. Fred told a fellow municipal chair named Elaine about the unwanted advances, and Elaine encouraged Fred to report the misconduct. Shortly after Fred reported Sonia, Elaine observed Sonia purposely excluding Fred from the types of planning meetings and emails that he would normally be included on. Elaine forwarded the relevant emails to Fred, and later told Sonia in a one-on-one meeting that she should be sure to keep Fred in the loop on county issues. Sonia was retaliating against Fred for complaining about her, and Elaine effectively intervened as a bystander.

Examples of successful intervention by a bystander can include telling the perpetrator that their behavior is inappropriate, or approaching them later and asking a non-confrontational question about an inappropriate comment, such as saying, “Were you aware of how you came off in that conversation?” If bystanders do not feel comfortable addressing the behavior directly with the perpetrator, then bystanders should feel empowered to report the misconduct or encourage the victim to report the misconduct.

MCDC also commits to providing covered individuals with the training and education necessary to be effective bystanders. MCDC will provide training on bystander intervention annually, and will integrate bystander intervention principles into other relevant trainings.

VII. Prohibition Against Retaliation

MCDC strictly prohibits any form of retaliation against a campaign worker who reports or assists in reporting a concern regarding a violation of this Policy. Retaliation against a Campaign Worker is a violation of this Policy and the retaliating individual will be subject to discipline under this Policy.

Retaliation occurs when a Campaign Worker experiences a negative change in their working conditions because they: reported what they believed in good faith to be harassment or a violation of this Policy; expressed an intent to report what they believed in good faith to be harassment or a violation of this Policy; assisted another individual in an effort to report harassment or a violation of the Policy; or participated in any investigation under this Policy.

This is not an exhaustive list, but retaliation can include the following types of conduct:

- Termination or demotion;
- Intimidation or excessive discipline;
- Social exclusion or isolation;
- Blacklisting;
- Unfavorable work assignments or reduction in responsibilities; or
- Denial of advancement.

MCDC may need to employ protective measures for the benefit of the complainant while the report is investigated. MCDC pledges that any protective measures that are undertaken will not penalize the complainant. MCDC will perform regular check-ins with the complainant while the investigation is ongoing to ensure no retaliation is happening.

VIII. Procedures for Reporting a Violation of the Policy

If you suspect harassment, bullying, discrimination, or retaliation has occurred, you are encouraged (and supervisors are required) to promptly provide a written or oral complaint internally to a member of the MCDC Executive Board or, in a case in which you are concerned about confidentiality, to a fellow MCDC member you entrust to carry your complaint to the MCDC Executive Board for you.

There are two processes for reporting harassment within MCDC: an informal complaint resolution process and a formal harassment complaint process. If legislation sponsored by Senators Vin Gopal and Loretta Weinberg is enacted, an independent process for reporting and investigating harassment, sexual assault and discrimination in campaigns through a non-partisan, non-political entity will be created that will give victims a third avenue entirely outside the regular political party structure.

1. Informal complaint process

- a.*** The Informal Resolution Process is, as the name suggests, flexible and intentionally open to individualized response and resources. This will be a confidential process, and the parties' names, the process itself, and any resolution will not be subject to disclosure to any party. The Informal Resolution Process is intended to stop and redirect behavior before it reaches the level of unlawful harassment and to prevent it from reoccurring.
- b.*** The informal process for managing complaints is to be used:
 - i.*** At the discretion and expressed wish of the covered individual who experienced harassing or discriminatory behavior;
 - ii.*** When the harassment or discrimination does not constitute an imminent safety threat; or
 - iii.*** When the covered individual who is experiencing harassment or discrimination wants the behavior to stop without severe ramifications (such as termination) for the person committing the harassment.
- c.*** The informal process is to be handled by MCDC with the goal of completing the process within thirty (30) days. During the informal process, MCDC will offer practical remedial and protective accommodations for both the complainant and the respondent.
- d.*** At any time during the process, the complainant may choose to initiate the formal complaint process, as described in section (2) below. Statements made by a complainant or respondent during the informal process will not be used against that person in a complaint or investigation under the formal process.
- e.*** The investigator will take such steps as necessary to understand the complaint and find facts to determine if the behavior occurred. These steps need not follow the formal investigation protocols set forth below. After the informal fact finding has concluded, the investigator will determine a range of resources to offer to the parties to resolve the issues.
- f.*** Outcomes from the informal complaint process may include:
 - i.*** Expertly facilitated alternative justice sessions;
 - ii.*** Meetings between the investigator and respondents on behalf of complainants;
 - iii.*** Training and educational opportunities
 - iv.*** Referrals to counseling, advocacy, and wellness support;
 - v.*** Other remedial actions deemed appropriate, at the discretion of the investigator.
- g.*** The investigator will create a record of all complaints handled under the Informal Resolution Process and the outcome and will maintain such records in secure and confidential files. All such records and work product of this process will be confidential.
- h.*** Participation in the Informal Resolution Process will be voluntary. If the parties agree to the Informal Resolution Process, they will be expected to participate fully and in good faith. If a respondent does not agree, or fails to participate fully and in good faith, the investigator will refer the matter to the respondent's supervisor along with the investigator's summary of the material facts. The supervisor may subject the respondent to disciplinary action for the alleged behavior as ordinarily determined by the supervisor of the agency. In all cases of non-participation, the investigator will document the allegations and responses in the complaint file, and this information may be considered as

grounds for immediate referral to the Formal Resolution Process or for more serious treatment of future complaints about the same respondent, should they arise.

2. Formal complaint process
 - a. The Formal Resolution Process is a more traditional investigative response to certain complaints, including all complaints alleging facts that could constitute discrimination, harassment, or retaliation. This will be a confidential process, and the parties' names, witness names, the process itself and any resolution will not be subject to disclosure to any party, except as provided herein. The Formal Resolution Process is intended to address serious misbehavior and prevent it from reoccurring.
 - b. The formal complaint investigation will only be initiated with the approval of the complainant unless the Campaign or Organization determines that actions alleged constitute an immediate threat to the safety of the Campaign or Organization workplace.
 - i. If the formal complaint process proceeds without the consent of the initial complainant, the identity of the complainant will not be disclosed during the process and it will be considered retaliation if the complainant's identity is disclosed, unless otherwise permitted by law.
 - c. The formal complaint process can be conducted by:
 - i. Trauma-informed interviewers and data assessors;
 - ii. An Equal Employment Opportunity Officer with substantial experience in Equal Employment Opportunity matters, investigations, data analysis, and reporting; or
 - iii. Qualified third-party investigators.
 - d. Prior to meeting with the respondent, the investigator will inform the respondent of the general nature of the allegations but will not provide the respondent with a copy of any complaint.
 - e. The investigator will orally inform both the complainant and the respondent of the following and offer the information in writing, but will not send the information to the party, except through a private email account designated by the individual that is not accessible by aides, interns, or other staff:
 - i. The process, including a timeline; MCDC should endeavor to close an investigation and issue a final determination within sixty (60) days;
 - ii. The party's rights and responsibilities, including the requirement or importance of maintaining confidentiality;
 - iii. The prohibition on retaliation and the consequences, including that disclosing the identity of a party or witness may be considered retaliation unless the identity of that party or witness has previously been disclosed by others; and
 - iv. The resources available to the party.
 - f. The Campaign or Organization will offer practical remedial and protective accommodation measures to both the complainant and the respondent.
 - g. An anti-retaliation plan will be offered to each party and to any witness(es) and will only disclose to others, such as leadership or the state patrol, the information necessary to implement the anti-retaliation plan.
 - h. Factual finding in an investigation will be made based on a preponderance of the evidence. A finding of a violation of the policy would require both a finding that the complainant subjectively found the actions to be offensive and an objective finding that a reasonable person in the complainant's position would have found the actions to be offensive.
 - i. The investigator will make a record of all complaints handled under the Formal Resolution Process and the outcome and will maintain such records in secure and confidential files. All such records and work product of this process will be confidential.

- j.* Participation in the Formal Resolution Process is mandatory for covered individuals. Parties will participate fully and in good faith. A failure to participate could subject a party to further disciplinary action.
- k.* Individuals are entitled to a support person. If an individual becomes a participant in the Formal Resolution Process, they may be accompanied to any proceedings in the process with the support person of their choice, with the following limited exceptions.
 - i.* The support person will be allowed to be present at proceedings to assist by taking notes, organizing documentation, or providing emotional support and reassurance.
 - ii.* The support person may consult with the individual during the Formal Resolution Process in a way that does not disrupt or delay any proceeding, except during interviews when the role of the support person is that of silent non-participant.
 - iii.* The support person may not be a witness in the matter, present information or evidence on behalf of the minor, attend any proceedings in lieu of the individual or otherwise actively participate in any proceeding.
 - iv.* Support persons who act in a manner contrary to these requirements or otherwise disrupt any proceeding in the Formal Resolution Process may be excluded from that proceeding and/or future proceedings.
 - v.* Support persons are bound by complete confidentiality and may not disclose any information they become aware of in their role as a support person.
- vi.*

IX. Confidentiality

MCDC recognizes and respects the covered individual’s right to privacy and the need for confidentiality and autonomy. MCDC will maintain the confidentiality of a covered individual’s disclosure regarding harassment or discrimination to the extent allowed by law, and unless to do so would result in physical harm to any person and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals, MCDC will limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing covered individual and others, and to comply with the law. To the extent possible, MCDC will provide advance notice to the individual who disclosed information if the disclosure must be shared with other parties in order to maintain safety. MCDC will also provide the individual with the name and title of the person to whom MCDC intends to share the individual’s statements and will explain the necessity and purpose regarding said disclosure. This statement should not be construed to require any covered individual to sign and adhere to non-disclosure agreements (NDAs), nor do the mandates of confidentiality laid out in this policy prohibit any Campaign Worker from speaking freely about discrimination, harassment, or intimidation that they experienced while working on the campaign.

X. Possible Outcomes from Violations

MCDC is committed to investigations that have just and fair outcomes. If an investigation reveals that a violation of this Policy occurred, the offender will be disciplined, but the punishment will be proportional to the violation, with repeat offenses receiving increasing discipline. MCDC will prepare and publish a matrix of the possible outcomes that will be imposed based on a range of behaviors and repeat offenses up to and including denial of campaign funds, denial of endorsement for elected or party office, and denial of the right to run under the party organization line.

XI. Appeals

MCDC will develop an appeals process that can be used by a party involved in the reported incident who does not agree with its resolution.

XII. Distribution of this Policy

This Policy will be:

- 1) Discussed and signed onto by all covered individuals;
- 2) Posted in all physical MCDC locations;
- 3) Available on the MCDC website; and
- 4) Distributed via internal, electronic mail communications, listservs, or Slack channel.

APPENDIX E: Press Release Announcing Senate Passage of Legislation to Protect Rights of Survivors



NEW JERSEY SENATE

FOR RELEASE:
December 17, 2020

Senate Democrats:
Press Office
609-847-3700

Senate Republicans:
Press Office
609-847-3600

Senate Approves Weinberg Legislation to Protect Rights of Survivors of Sexual Assault, Harassment

8 women senators cosponsor reforms from Workgroup on Harassment, Sexual Assault and Misogyny in NJ Politics

TRENTON – The Senate today unanimously approved eight bills sponsored by Senate Majority Leader Loretta Weinberg to protect the rights of survivors of sexual assault, improve law enforcement and judicial case management and training, and codify harassment and discrimination policies throughout state government.

“Far too often, survivors of sexual assault who have the courage to come forward are victimized a second time,” said Senator Weinberg (D-Bergen). “These bills aim to remedy the pitfalls in our criminal justice system and workplaces that allow violence and misogyny to continue. These bills would empower survivors to become informed and pursue their rights. They require anti-harassment training for county prosecutors and require each police department to have a designated sexual violence liaison officer.

“The Attorney General would be required to report annually on sexual assault complaints and how many make it to trial,” she said. “And finally, this package aims to provide recourse to state employees who encounter workplace harassment and discrimination.”

Senator Weinberg noted that the legislation arose out of recommendations that came out of public and private listening sessions held by the informal Workgroup on Harassment, Sexual Assault and Misogyny in New Jersey Politics. She formed the group after a December 2019 *Star-Ledger* article showed that the #MeToo movement, legislative hearings on the handling of the Katie Brennan sexual assault case, and earlier legislative reforms had failed to address the rampant misogyny and violence that plagued state politics. The Workgroup will issue its formal report in January.

Senator Weinberg thanked Brennan, state Supreme Court Chief Justice Stuart Rabner and Patricia Teffenhart, executive director of the New Jersey Coalition Against Sexual Assault, for their work on the legislation. The bills, which are sponsored in the Assembly by Deputy Speaker Valerie Vainieri Huttle (D-Bergen), are:

S3070: Establishes a three-year “Sexual Violence Restorative Justice Pilot Program” in North, Central and South Jersey to bring survivors and their abusers together to seek collective healing solutions outside the judicial system (Weinberg/Sen. Shirley Turner, D-Mercer/Hunterdon).

“The Sexual Violence Restorative Justice Pilot Program will be influential in restoring a sense of control and independence to survivors,” said Senator Turner. “Through utilizing a restorative justice approach, the program will work to repair the harm that was caused by allowing direct involvement of the victim and their family. Ultimately, this bill will work to fulfill the expectations of victims for justice against their abusers, and our hope is that we can help them move forward with their lives even after experiencing traumatizing sexual violence.”

S3071: Requires law enforcement authorities to provide victims of sexual assault with the initial incident report on their complaint, and provide victims with the option to review the initial incident report before it is filed and state whether they agree or disagree with information contained in the report (Weinberg/Sen. M. Teresa Ruiz, D-Essex).

“At times when survivors of sexual assault finally receive a copy of the police report they filed, they discover it minimizes and distorts the account they gave of their experience, but at that point, there’s nothing they can do to change it,” said Senator Ruiz. “By providing people the opportunity to review and contest their police report, before it’s formally filed, we can ensure the survivor’s voice is documented and reflected in the final product.”

S3072: Requires the Office of Victim-Witness Advocacy and the county prosecutor's office to share an information packet with victims of sexual assault explaining their rights and relevant laws, the criminal justice process, available counseling and other services, phone numbers for updates on their case, and contact information for both the prosecutor and the Office of Victim-Witness Advocacy. (Weinberg/Sen. Sandra Cunningham, D-Hudson).

"The trauma of a sexual assault is extremely taxing on the victim. Survivors of sexual assault are entitled to the proper resources and care for their recovery post-trauma," said Senator Cunningham. "This bill will ensure that survivors are fully aware of their rights, the services they are entitled to, and the proper protection they need going forward."

S3073: Establishes the right of victims of sexual assault to be notified of decisions by county prosecutors on whether to file charges prior to notifying the alleged perpetrator and providing victims with the opportunity to consult with prosecutors before plea deal negotiations are concluded (Weinberg/Sen. Kristin Corrado, R-Passaic).

"During both public and private hearings, victims of sexual assault shared their concerns that our criminal justice system failed to meet their needs," said Senator Corrado "This legislation is recognition that they shouldn't be treated as little more than witnesses to a crime, but as survivors who deserve to be heard and treated more respectfully by prosecutors."

S3074: Requires the state Attorney General to monitor sexual assault cases and issue an annual report to the Governor and Legislature, including statistics on reports/complaints filed by victims, referrals to county prosecutors, cases declined to be prosecuted, indictments or charges, downgrading of charges, plea agreements and police reports. (Weinberg/Sen. Linda Greenstein, D-Middlesex/Mercer).

"Each year, there are unfortunately many who fall victim to sexual violence," said Senator Greenstein. "Many of these victims do not receive the justice they deserve because they are unable to pursue prosecution against their abuser. This bill will provide transparency on how many of these cases make it to court and the outcome of those proceedings, allowing us to find any shortcomings in our justice system that prevent victims from receiving the justice they deserve."

S3075: Establishes sexual violence liaison officers with specialized training in the Division of State Police and local police departments to serve as the in-house expert and primary point of contact on sexual violence cases, provide training to other officers, and monitor station compliance with the law and other directives (Weinberg/Sen. Nellie Pou, D-Passaic/Bergen).

“Sexual assault cases can be difficult to navigate for victims and police departments. Oftentimes, victims do not feel heard or adequately assisted by the police,” said Senator Pou. “This bill will ensure that the police departments are trained to assist survivors of sexual assault and that survivors feel heard, seen, and supported by the police.”

S3076: Requires training for county prosecutors and assistant prosecutors every three years on how to handle, investigate and respond to reports of sexual assault, including training in restorative justice (Weinberg/Sen. Nia Gill, D-Essex).

“In order for our county prosecutors to properly handle and manage sexual assault crimes and investigations, it is important that they are equipped with the most current training,” said Senator Gill (D-Essex). “Restorative justice is a newer method that has proved to be effective, especially in sexual assault cases, and this bill will ensure that county prosecutors will be trained and prepared to use this in future cases in New Jersey.”

S3078: Codifies into law the State Workplace Anti-Harassment and Discrimination Policy, including training requirements, reporting requirements for supervisors, and standards for investigation and disposition of discrimination and harassment complaints (Weinberg/Sen. Dawn Addiego, D-Burlington).

“These are complex issues we are grappling with.” Senator Weinberg acknowledged. “It is no understatement to say that I and others in this Legislature -- including the many woman senators who are serving as the co-prime sponsors of these bills -- have spent years trying to address the plague of sexual violence, harassment, and discrimination. We are hopeful these bills will meaningfully improve outcomes for sexual assault survivors.”
