

WRITTEN TESTIMONY
NEW YORK STATE JOINT SENATE AND ASSEMBLY
PUBLIC HEARING SEXUAL HARASSMENT IN THE WORKPLACE
FEBRUARY 13, 2019

Thank you for holding this hearing on such an important topic and for the opportunity to testify today.

I currently serve as the President of the Purple Campaign, a non-profit organization I co-founded to address workplace sexual harassment in the wake of the #MeToo movement. The Purple Campaign's mission is to end workplace sexual harassment by implementing stronger corporate policies, establishing better laws, and empowering people to create change in their own workplaces and communities.

As the organization's President, I frequently travel across the country to speak with corporate executives, lawmakers, experts, and the public about the #MeToo movement and the problem of workplace sexual harassment. I also approach this issue informed by my perspective as a lawyer and former Congressional staffer who experienced sexual harassment myself as an 18-year-old intern in the United States Senate.

I was a rising college sophomore at the time and just beginning to think about what a career for myself might look like one day. I was exploring a major in Political Science and had grown up in the D.C. area, so I applied for summer internships on Capitol Hill. I was overjoyed when I was offered a paid internship in the U.S. Senate—until I started receiving feedback from people around town that this wasn't a "good office for an 18-year-old girl to be interning in."

I didn't entirely understand these rumors, but their implication was that I should walk away from the job. I was both confused and concerned by this information. I was also very excited about my internship and worried that I wouldn't be able to find another comparable opportunity on such short notice. In the end, I was a stubborn teenager and decided that I could handle it—whatever "it" turned out to be.

I went into the internship with my guard up, but as the summer went on I mostly forgot about the vague early warnings. I liked the people I was working with, and they treated me well—but more importantly, I loved the job. I relished tasks that most other Hill interns avoided at all costs, like answering the front desk phones and giving Capitol tours to constituents. I was filled with a corny feeling of patriotic duty each morning when I walked into the Senate and presented my intern badge to the security guards. I loved feeling like I was helping connect people hundreds of miles away to the nation's Capitol, just by answering their letters and phone calls. I was eager to do an excellent job with every assignment so that I could come back one day as a staffer.

Toward the end of my summer I was—seemingly inevitably, now—sexually assaulted by the Senator I was interning for. As it was taking place, my overwhelming feelings were ones of embarrassment and fear. I was embarrassed because I knew what was happening

was inappropriate; I was scared because I thought someone would oversee and think I was behaving inappropriately. It didn't even occur to me that someone might see what was happening and think *he* was behaving inappropriately. But—as I'd promised myself I would—I handled it.

I didn't seriously consider reporting the incident through formal channels. I felt that because I had been warned and knowingly put myself in the situation anyway, I didn't have a right to complain. I also was increasingly aware that his behavior was an open secret on Capitol Hill. I did tell few people I trusted, who confirmed as much. They said they were sorry about what happened, but not surprised because I was "his type." It was then obvious that the problem wasn't a lack of credible information. The problem was that no one was interested in challenging his behavior—even though they knew about it and knew that it was wrong—because he was a powerful Senator.

I understood and internalized the message: if I wanted to keep working in politics, the best thing for me to do was to quietly forget about the whole thing. I am lucky that this was a viable option for me. Because my internship was temporary, I wasn't faced with the difficult choice between quitting or staying in my job and knowingly subjecting myself to the behavior again. Because I didn't report it, my career was not negatively impacted. I am extremely fortunate that, unlike so many other survivors of sexual violence, abuse, assault and harassment, this experience ultimately did not negatively impact my life. Today I know that I owe much of that to my decision to stay quiet.

Last October, I shared my story publicly for the first time for reasons that I think are important to understand. First, I was motivated to do so because I could see that a major cultural shift was taking place on this issue. The #MeToo movement was beginning to raise national awareness about the systemic and pervasive nature of sexual misconduct. More importantly, leaders were taking the allegations seriously and responding with action. A few days after the Miramax board fired Harvey Weinstein, I was contacted by a *Washington Post* reporter who was working on an article about the problem in Congress.

I expressed skepticism about whether my story—which was almost fifteen years by then—was relevant or otherwise important in the current context. The reporter explained that the article aimed to shed light on Congress's sexual harassment policies, which I learned then did not apply to interns. I believed my story might highlight the need to provide greater protection to interns currently work in Congress. I was also hopeful that Congress would respond in a way that would send a different message to the next generation of women who aspire to work in politics than the one it sent to me fifteen years ago.

The reporter also explained she was having a difficult time finding people willing to go on the record, especially about more recent experiences. That made sense, because the more recent the incident is, the greater the risk of retaliation for reporting becomes.

I ultimately was willing to come forward because my story was not about my then-employer or even my then-industry (I was working as a litigation associate in private

practice at the time). I was willing to go on the record because I had recently earned my law degree from Harvard and passed the bar exam. I was confident that I had every right to publicly share my story, and I trusted that the legal system would protect me and provide a just outcome. I ultimately decided to share my story not to seek retribution for what happened to me over a decade ago, but because I hoped it would make a difference for future generations of women who aspire to work on Capitol Hill.

I could never have anticipated what happened next. In the days after the article was published, women in Congress started speaking up about their own experiences with sexual harassment, and called on their colleagues to act. Two weeks later, more than 1,500 current and former Hill staffers wrote a letter urging reform. Together, these events prompted the enactment of the Congressional Accountability Reform Act (the “CAA”), which has now overhauled Congress’s procedures for handling harassment complaints.

While the legislation is not perfect, it made critical reforms to the existing system that I believe legislatures across the country—including here in New York—can learn from and should consider adapting. I want to highlight a few of the key reforms, which include:

- **Ending mandatory mediation.** While many people may still prefer to resolve their claims through a less adversarial mediation process, it is critical that survivors have a choice about how they resolve their claims. Under the old rules, claimants were required to go through a mandatory 30-day mediation proceeding before they could pursue other options. The CAA allows survivors to opt-out of mediation immediately.
- **Extending the time to file a claim from 45 to 90 days.** This is an important change that allows claimants more time to understand their options, process what they have experienced, and to seek advice from others they trust before making a decision about whether to file a formal complaint.
- **Allowing survivors to immediately request a formal hearing or file a civil lawsuit.** Under the old rules, survivors were required to go through a mandatory 30-day “cooling off period” before they could pursue further action. The CAA allows claimants to elect to immediately request a formal hearing or to file a civil lawsuit.
- **Allowing survivors to share their experiences with others.** The CAA included a rule of construction to clarify that employees are permitted to disclose factual information related to a claim without violating Congressional rules. This allows survivors to discuss their experiences freely and to process the trauma that often accompanies sexual misconduct.

- **Extending protections to unpaid staff and district offices.** It's critical to ensure that any sexual harassment policy applies to those who are most vulnerable to both harassment and retaliation for reporting. The CAA extends protections to unpaid staff, including interns, fellows, and detailees, as well as to staff in District offices, who often have reduced access to information and resources than do paid staffers in Washington D.C.
- **Holding members accountable.** The CAA creates important accountability mechanisms by requiring members of Congress to repay awards and settlements stemming from acts of harassment they personally commit, including through wage garnishment if necessary.
- **Creates transparency.** The CAA requires public reporting of awards and settlements, including identifying if a member of Congress has properly reimbursed the Treasury for settlements. It also provides for a staff survey of each Congress to examine the workplace culture on Capitol Hill.
- **Sanctions for Counsel:** The bill includes sanctions for lawyers who violate the standards for representation in proceedings. This helps create accountability to ensure that defense lawyers don't treat victims unfairly in the process.

To the extent such provisions are not already in place here in New York, I hope that the Senate and Assembly will consider adopting these critical reforms to ensure that current and future workers are protected from harassment and discrimination.

Thank you again for your time and consideration.

Respectfully submitted:
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