



SEATTLE CITY COUNCIL | DISTRICT 1

COUNCILMEMBER LISA HERBOLD

January 12, 2018

Dear Mayor Durkan,

First, as the Chair of the City Council's Civil Rights Committee, I thank you for taking leadership on the issue of sexual harassment. I was heartened to read your December 20th letter outlining your intent to update the City's discrimination and harassment policies and reporting systems. Specifically, thank you for taking immediate action by ensuring that "no individual department may agree to settle any Step 3 or 4 grievance, lawsuit, or formal investigation, related to claims of harassment, without providing 30-day notice to the Director of SDHR."

As a nation and as a city we are in the midst of a national conversation about the impacts of sexual violence on our communities. We have been flooded with story after story of people experiencing sexual harassment and assault and the numerous system failures faced by the people who come forward. The Equal Employment Opportunity Commission reports receiving 12,000 allegations of sex-based harassment each year. Eighty-three percent of the complainants come from women. As with other forms of gender-based violence, we know that many people experiencing such harassment never tell anyone. As such, these 12,000 annual allegations are likely a vast underreporting in comparison to the true impact this issue has on our communities.

I recently had a constituent reach out to my office after an experience of sexual harassment on her college campus. In reaching out for help this young woman had been bounced around from agency to agency and system to system. She was eventually referred to the Seattle Office of Civil Rights (SOCR) only to discover that the City's 180-day statute of limitations on harassment claims had already passed. In reaching out to my office this young woman's request was not to ask for anything for herself but to ensure that, in the future, people who experience sexual harassment do not face the same barriers that she did.

We understand that it often takes time for people to come forward because of shame, fear of reprisals, denial, history of prior sexual violence, and lack of information about what constitutes sexual harassment and how to report it. In my capacity as the chair of the Council's Civil Rights Committee, it is my intention to work with SOCR to examine how the current statute of limitations impacts people experiencing sexual harassment and to bring this statute into parity with current best practices on the state and federal levels. The current 180-day SMC statute of limitations for harassment is an outlier; the statute of limitations in other areas, such as discrimination experienced in housing, is one year and many other jurisdictions allow a year or more to report sexual harassment. This issue, as it relates to felony sex crimes, is before the state legislature with House Bill 1155 that would eliminate the statute of limitations for felony sex crimes.

In addition to sharing with you my intent to work to address SOCR's statute of limitations on sexual harassment claims, I am writing you today with a request. I would like to work with you to initiate an effort led by the Seattle Office of Civil Rights to complete a review of the human resource practices and policies used to investigate sexual harassment claims for the human resource divisions within each of the executive departments, and the Legislative Department, as well as designing a survey of Human Resource Division Directors and an Employee Climate Survey.

The Human Resource Division Director Survey could be designed to allow those charged with this important responsibility to share the barriers that they have experienced in trying to investigate complaints, sustaining complaints when appropriate, and meting discipline addressing sexual harassment complaints when sustained. The Employee Climate Survey should be designed in recognition of the fact that the Equal Employment Opportunity Commission (EEOC) has found that "approximately 30% of individuals who experienced harassment talked with a supervisor, manager, or union representative" and that reports of incidents increase when the acts that count as harassment are specifically defined in surveys.

In addition, according to the EEOC, sexual harassment trainings have a limited efficacy because they are too focused on avoiding legal liability. Innovations to anti-harassment programs like bystander training have proven results in ensuring that city employees understand that preventing and addressing sexual violence in the workplace is a shared responsibility. I request that you explore these human resource innovations.

I look forward to working with you to ensure that all people experiencing violence in this city get the support they need.

Sincerely,



Lisa Herbold

Civil Rights, Utilities, Economic Development, and Arts Committee, District 1

CC: Seattle City Council
Mariko Lockhart, Interim Director of Seattle Office for Civil Rights